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LETTER

TO THE

Right Hon. EDMUND BURKE,

BY

GEORGE ROUS, Esq.

LETTER

A
RIGHT HONORABLE

EDMUND BURKE

GEORGE ROUSSELL
FOR EDMUND BURKE

BY
R. F. D. V.

GEORGE ROUSSELL
TO HIS

APPEAL FROM THE NEW TO THE OLD WHIG

SECOND EDITION

LONDON:

JOHN GARRATT, Stationer, Bow Church Lane

A
LETTER

TO THE

RIGHT HONOURABLE

EDMUND BURKE,

BY

GEORGE ROUS, Esq.

IN

REPLY

TO HIS

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SECOND EDITION.

LONDON :

Printed for J. DEBRETT, opposite Burlington House,
Piccadilly.

517917

Br 2062 1905

Br 2062 1905

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Feb. 28, 1905.

LETTER

RIGHT HONOURABLE

TO THE

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Right Hon. EDMUND BURKE.

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GEORGE ROUS

In your late Appeal from the New to
the Old Whigs, you candidly admit, that
the French Revolution, "standing by itself,
" is an open subject of political discussion,
" like all the other Revolutions which
" have been attempted or accomplished
" in our age." It therefore, the political
pupils of your former opinions (and your
publications are so numerous that we are
all your pupils) have been led to imagine
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Appeal, p. 8.

never

5

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Right Hon. EDMUND BURKE.

IN your late Appeal from the New to the Old Whigs, you candidly admit, that the French Revolution, “standing by itself, “is an open subject of political discussion, “like all the other Revolutions which “have been attempted or accomplished “in our age*.” If, therefore, the political pupils of your former opinions (and your publications are so numerous that we are all your pupils) have been led to imagine, that the principles of a free Government

* Appeal, p. 8.

necessarily involved an approbation of the French Revolution, some indulgence was due from Mr. Burke to a love of liberty, even in its excess. We could not expect that Mr. Burke would represent us to the public as *incorporated* for the subversion of nothing short of the *whole* constitution of this kingdom. The truth, however, is, that our opposite judgments on the events in France are no less derived from our different views of the transactions themselves, than from the different principles we apply in estimating the conduct of the leaders.

You employ no less than four pages in enumerating the propositions you would have established by proof, had not your late political associates rudely interrupted the career of your eloquence in the debate on the Canada bill. We have read more than six hundred pages from your pen on the French Revolution, replete "with dextrous * argument and powerful eloquence:" yet your misrepresentation of facts has been repeatedly detected, and it

* Appeal, p. 4.

has been successfully proved that your reasoning “ tended to establish principles, and
 “ inspire sentiments adverse to the wise and
 “ free constitution of this kingdom.” You give us the result of the controversy.
 “ They (his* political associates) conceive
 “ it a harsh, yet a necessary office in full
 “ Parliament, to declare to the present age,
 “ and to as late a posterity, as shall take
 “ any concern in the proceedings of our
 “ day, that by one book he has disgraced the whole tenor of his life.”
 “ The author † is compelled, however
 “ reluctantly, to receive the sentence pronounced upon him in the House of
 “ Commons as that of the Party.” It proceeded from the mouth of him who must
 “ be regarded as its authentic organ. In
 “ a discussion which continued for two
 “ days, no one gentleman of the Opposition interposed a negative, or even a
 “ doubt in favour of him, or of his opinions.” Of what materials this party is composed you inform us. “ His ‡ sentence

* Appeal, p. 1. † P. 5. ‡ P. 6.

" timents with regard to them can never
 " vary, without subjecting him to the just
 " indignation of mankind, who are bound
 " and are generally disposed, to look upon
 " with reverence to the best patterns of
 " their species, and such as give a dignity
 " to the nature of which we all partici-
 " pate." Of their intellects you add, after
 " telling us, that " very solid and very bril-
 " liant talents distinguish the ministerial
 " benches. The opposite rows* are a
 " sort of seminary of genius, and have
 " brought forth such and so great talents
 " as never before (among us at least)
 " have appeared together at any one pe-
 " riod." Even the insidious kindness of
 " a Minister, according to your own repre-
 " sentation, could proceed no farther than
 " barely to abstain from public condemna-
 " tion. *What seemed to be recommended to*
 " *him by Mr. Pitt was rather to extol the best*
 " English Constitution, than to condemn
 " the French." The *very solid and very*
 " *brilliant talents of the ministerial benches*
 " were, it seems, equally silent in the praise,

or in the defence of your principles, or of
 your book. "By the privilege of speak-
 "ing as often as he pleased (in a Com-
 "mittee) he hoped in some measure to
 "supply the want of support, which he
 "had but too much reason to apprehend."
 Yet because the high rank in Literature,
 which your talents have justly obtained,
 and the celebrated name which your for-
 mer labours in the cause of freedom had
 established, excited universal attention to
 your book, your fond self-love has taught
 you to believe, that the "doctrines are the
 "current opinions of the majority in the
 "nation." If this inference has the sem-
 blance of truth, how happened it, that
 while many of our public men, from the
 sordid regards of interest, earnestly wish
 the doctrines to be current, not one has
 dared openly to approve, or publicly to de-
 fend, the principles of your celebrated
 book?

Nothing can more strongly mark the
 fluctuations of mind, to which a vivid ima-

gination may subject even a wise man, than the opposite opinions which at different periods you have entertained respecting the probable effects of the French Revolution, and of the maxims on which it is built. At one time your language is, "It seems
 " to me as if I were in a great crisis, not
 " of the affairs of France alone, but of all
 " Europe, perhaps of more than Europe." At another time, "two such men as Mr.
 " Pitt and Mr. Fox might frown these
 " wicked opinions out of the kingdom." Cannot the experience of 1784 teach you to estimate aright the British nation? With all their talents, and with all their eloquence, Mr. Pitt and Mr. Fox are nothing, but as they build on public opinion. The two Kings of Brentford smelling to the same nosegay would rival in authority these two Statesmen, should they vainly attempt to resist the prevailing sentiments of the public mind.

At the beginning of the troubles in France, when the author of the present address beheld those principles of Government, whose truth is irresistible, but
 which

which had hitherto flumbered in the works of philosophy, drawn forth into action by the French Revolution, and the attention of all Europe riveted to the scene, he did not hesitate to pronounce, in 1789, that Mr. Fox and his friends could have no alternative, but to lead in reform, or meanly follow in the rear. To arrest the progress of truth and knowledge upon subjects the most interesting to mankind, exceeds all human power. The tide of human reason is now rolling in, and none can stop its course, unless it shall please the Almighty to change the nature of man, and obliterate those faculties with which he has endowed and adorned his creatures. To direct the ferment, which such a scene must excite throughout Europe, to its proper objects, to teach the multitude, that obedience to law is as necessary to the enjoyment of liberty, as that the law itself should express the public will, or be dictated by a sense of common interest, are the duties of a good citizen. To me it seems a question of no very difficult solution, whether these duties are best performed by men, who profess to claim no rights for themselves,

selves, which they are not equally disposed to maintain for others, to wish that the voice of truth only may be heard, and to affect no change which shall not be previously sanctioned by the consenting reason of mankind; or by those, who profess to address the *prejudices*, not the *reason*, of the people, to make *innocent speculative* opinions the foundation of unjust distinctions, and to teach the multitude, that their participation of civil and political rights is incompatible with order, and can be exerted only in destroying the houses of their fellow citizens.

Whether the National Assembly of France have adopted principles of Government conducive to public happiness, forms an interesting subject of inquiry to all nations; whether they have correctly conformed in all their measures to the principles adopted, will probably remain a subject of endless controversy. Happily where the solution is most difficult, the inquiry is less important, as the most critical investigation can teach us little more than justly to appreciate the merits or de-
merits

merits of the principal actors in this wonderful scene. To me it seems, that some of their measures must be referred to principles not of internal government, but of public hostility. They are measures of self defence.

The French King had endeavoured to evade the convocation of the states by every art of a bankrupt Court. Resisted in his new imposts by the Parliaments, he had recourse to the notables, a body of his own selection. When their authority proved insufficient to levy new taxes, the states, indeed, were assembled; but the states so assembled were, to every purpose of reform, effectually palsied by the division of three orders. Compelled at length to abandon these civil defences of despotism, the King, abetted by the highly-beneficed clergy and a large portion of the nobility, threw off the mask. He assembled round the capital a body of foreign mercenaries to oppress the rising liberties of the nation. That this hostile attempt, not to give a harsher name, preceded any one measure taken by the National Assembly, or even a

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decla-

declaration of its principles, (for the declaration of rights was not at this period conceived), the most unblushing advocate of arbitrary power will not venture to deny. As little can it be denied, that this open avowal of an hostile mind in the partizans of ancient despotism, fully justified every measure of severity *necessary to the public safety*. If the sacrifice made of private rights has exceeded the just limits of security for the future, men may, according to their several tempers, throw the principal blame on those who provoked, or on those who executed these measures of prevention. No judgment formed on this part of the subject can, affect the English admirers of the French Revolution. We all lament that the occasion ever existed, and deplore the severities it has produced.

I feel, therefore, no desire to enter this labyrinth of controversy, where an able adversary may evade the application of the plainest principle of justice, or the most unquestionable maxim of policy, by the misstatement of a single fact. The great outlines of evidence can never deceive.

The

The honest intention of the National delegates, to promote the public happiness, is evinced by arming a whole people. These men could not intend to convert a *public* trust to *private* benefit, who began their operations by enabling the nation to *crush all their oppressors*. That their labours have, in fact, advanced the public happiness, twenty-five millions of witnesses, a whole people, attest, who enthusiastically devoted to the new constitution, contend only who shall be most active in its defence. Public order in regenerated France has arisen, not from the compressing power of despotism, or the habitual authority of long-established institutions, but from an enlightened love of their country, and a sense of common interest. He must be dead to all the finer feelings of humanity; he must wish to degrade man from a rational nature to brutal instinct, who can contemplate, without joy and exultation, this grand effusion of a philosophic spirit illuminating all Europe, this improving progress of the human mind in the first, the most important science, the science of adapting public institutions to the sole legi-

itimate object of all government—the equal protection of every individual member of the state. Amidst the exultations of a whole people it were idle critically to examine, whether a fanciful refinement may not in some few instances have added useless parts to a noble structure. The French constitution is a noble edifice erected for the residence of public liberty. Mr. Burke, at least, ought not to dispute the judgment of the French nation—who has told us, that the former government of France were, “the **professed enemies of the freedom of mankind.*” And again, “If any † ask me what a *free government* is, I answer, “that for any practical purpose it is, *what the people think so; and that they and not I are the natural, lawful, and competent judges of this matter.*” If greater praise can be bestowed on institutions than the unanimous applause of the nation, for whose happiness they are designed, read that encomium in the horror and dismay which

* Thoughts on the Cause of the present Discontents, p. 52.

† Letter to the Sheriffs of Bristol, p. 55.

convulse all the enemies of mankind in other parts of Europe. Among these enemies of the human race, foremost, appear the petty princes of Germany, who enact the ravages of despotism on a smaller, and consequently more oppressive scale; who plunder the peasant to maintain absurdly disproportioned establishments; who drag him from his home, the son from his parents, the husband from his family, to form under the rigor of military discipline the instruments of new exactions; who sell the blood of their subjects to swell the pride of a master, and have the insolence to call this GOVERNMENT. To these add the unfeeling despots, the pimps and parasites of power, the venal tribe of trading politicians in this and other countries; and we have nearly a correct description of those, whose *interested* clamours hail with involuntary praise the triumph of Gallic liberty. There was a period in Mr. Burke's political life when he would have disdained to countenance this army of savages. In 1775, Mr. Burke could not consent to punish, much less proscribe, a whole people.

“The

"The thing * seems a great deal too big
"for my idea of jurisprudence. It should
"seem to *my way of conceiving such matters,*
"that there is a wide difference in reason
"and policy between *the mode of proceed-*
"*ing on the irregular conduct of scattered in-*
"*dividuals, or even of bands of men who dis-*
"*turb order within the state, and the civil*
"diffentions, which may from time to
"time, on great questions, agitate the fe-
"veral communities which compose a
"great empire. It looks to me to be *nar-*
"*row and pedantic* to apply the ordinary
"ideas of criminal justice to this great
"public contest. I do not know the me-
"thod of *drawing up an indictment against*
"*a whole people.* I cannot *insult and ridi-*
"*cule the feelings of millions of my fellow*
"*creatures,* as Sir Edward Coke insulted
"one excellent individual (Sir Walter Ra-
"leigh) at the bar. *I am not ripe to pass*
"*sentence on the gravest public bodies, en-*
"*trusted with magistracies of great authority*
"*and dignity, and charged with the safety of*

Mr. Burke's Speech on the 22d of March, 1775,
p. 44.

" their

“ *their fellow citizens upon the same title that*
 “ *I am.* I really think, for *wise* men, this
 “ *is not judicious*; for *sober* men, not de-
 “ *cent*; for minds *tinctured with humanity*,
 “ *not mild or merciful.*”

It is impossible for Mr. Burke to believe, that those who assembled to celebrate the French Revolution on the 14th of July, ever intended to convey an approbation of *all their institutions*, much less *under circumstances wholly dissimilar in this country*, to recommend their adoption. They acted on Mr. Burke's own reasoning: “When
 “ any political institution is praised,”
 (I omit the libellous parenthesis) “it
 “ must be supposed to have something ex-
 “ cellent in its fundamental principles. It
 “ must be shewn, that it is *right*, though
 “ *imperfect*; and it is not only by possibi-
 “ lity susceptible of improvement, but that
 “ it contains in it a principle tending to its
 “ *melioration.*” Those who, Mr. Burke
 affirms, “begin publicly to incorporate
 “ themselves for the subversion of nothing
 “ short of the *whole* constitution of this
 “ kingdom, for the utter overthrow of its
 “ laws,

" laws, civil and ecclesiastical, and, with
 " them, of the whole system of its man-
 " ners," had left nothing to inference and
 conjecture. They had avowed, they had
 endeavoured to inculcate their principles,
 and had defined with precision their limits.
 They publicly declare their approbation of
 making the natural rights of man the founda-
 tion of all Government, the criterion of
 obedience in the people, and of autho-
 rity in the magistrate. They think that
 these original rights of justice, derived from
 the relations, in which God has placed
 man to man, constitute the sole legitimate
 source of human laws; and to suppose an
 authority in Governors to subvert these
 rights, is to reverse the order of nature,
 and to destroy the foundations of moral
 duty. As they recognize the rights of
 man, the legitimate source of human le-
 gislation, they consider *lawful government* as
 the *means* of affording protection to these
 rights—and in the *order of these means* they
 maintain that from the people, that is, the
 nation at large, proceeds the law of the
 community; or, in other words, that the
 law ought to be an expression of the public
 will.

will. And lastly, by this law so expressing the public will, they maintain, the kingly office is created, defined, and its operations directed. They profess to applaud the French Revolution as an open public recognition of these principles, without examining all its parts. These subverters of the British Constitution were equally solicitous to mark the limits, as to establish their principles. They, therefore, distinctly marked their approbation of the Polish Revolution, the distinguishing feature of which was laying the *foundations of public order* in the change of an *elective* to an *hereditary* monarchy. They farther avow, that *despotism**, according to their judgment and

* The toasts given at this meeting were well considered, and meant to express principles.

The Rights of Man.

The Nation, the Law, and the King.

The Revolution of France, and may the Liberty of that Country be immortal.

The Revolution in Poland.

May Revolutions never cease till Despotism is extinct.

May Great Britain and France, forgetful of ancient

D

Animo-

and wishes, ought alone to be overthrown
by *Revolutions*; because of all governments,

Animosities, unite in promoting the Freedom and Happiness of Mankind.

The Sovereignty of the People, acting by a free Representation in every nation.

The increased, increasing, and sacred Flame of Liberty.

Perfect Freedom, instead of Toleration, in Matters of Religion.

The Liberty of the Press.

The Trial by Jury, and may the Rights of Jurymen, to protect the Innocent, for ever remain inviolate.

The literary Characters, who have vindicated the Rights of Man; and may Genius ever be employed in the Cause of Freedom.

Thanks to Mr. Burke for the Discussion he has provoked.

The Patriots of France.

To the Memory of those Citizens who have died in France for the Liberty of their Country.

The Friends of the French Revolution in or out of Parliament.

The Liberty of North America.

The free Principles of the British Constitution.

Ireland and her Band of Patriots.

General Washington and the Liberty of North America.

To the Memory of Dr. Price, the Apostle of Liberty, and Friend of Mankind.

To the Memory of Hampden, Milton, Sidney, Locke, and Franklin.

despo-

despotism alone is *radically and necessarily* subversive of those original rights, which are the immediate gift of God. Who then is the libeller, the subverter of the British Constitution? He who represents its existence as incompatible with the rights of nature, or those who, acknowledging *in its theory* the best means of protecting these rights, wish only, by just reasoning from its principles, to correct its defects?

It must be confessed, that Mr. Burke takes the single ground which his present system admits. He reprobates "the visionary theories of the rights of man." He treats them with derision and contempt; "the blurred and blotted pieces of paper about the rights of man." Mr. Burke does not, indeed, deny the existence of natural rights; that is, the claims of justice, deduced by reason from the relations in which God has placed us; but these, according to Mr. Burke's system, refer wholly to a period antecedent to all civil government. After all the discussion the subject

* Appeal, p. 76.

has undergone, this sentiment Mr. Burke gives us as his final judgment. " To close all *—the *pretended* rights of man, which have made this havoc, cannot be the rights of the people : *for to be a people, and to have these rights*, are things impossible : the one supposes the presence, the other the *absence* of a state of civil society."

It seems to follow as a necessary consequence from this wild position, that all the admirable works which have instructed mankind in the principles of natural justice, in the philosophy of law and government, were the labours of visionaries, *in any state perfectly useless* :—for since these rights cannot possibly exist but in the *absence of civil society*, and man in that condition (if, indeed, such a condition as the *total absence of civil society* ever did exist) must have been a rude unlettered animal, wholly incapable of comprehending these visionary theories, it seems to follow, that these speculations can have no other ten-

* Appeal, p. 139.

dency but to *mislead man from his social duty*.
 Mr. Burke has most explicitly declared,
 that the rights of man in society "cannot"
 "be settled on any *abstract rule*; and no"
 "thing is so *foolish as to discuss them upon*"
 "*that principle*."

Though I am fully entitled to urge the
absurdity of a necessary conclusion as an
 argument against *the truth of his principle*,
 yet I am willing to state his reasoning with
 the *arbitrary limitations* he himself will im-
 pose. He, perhaps, will tell us, that such
 works may be extremely useful to instruct
 the *initiated* in the arts of Government,
 Princes, Courtiers, and Members of Par-
 liament, in *their duties*; the performance
 of which the people have no right to exact.
 Possibly, if disposed to concede, he may add,
 that he quarrels only with our application
 of these principles, as the standard of civil
 rights, as the measure of civil duties. That
 this misapplication is the *audacious novelty*,
 which he reprobates as *imported from France*,
 and with which we "are now endeavour-

ing to work the destruction of the
Crown of this kingdom, and the whole
of its constitution,"—A simple state-
ment of a single fact will refute this ca-
lumnny. A philosopher of no mean name
in the close of a moral treatise, the first,
perhaps, in merit which any age or nation
has produced, states, as the result of his rea-
soning, precisely the idea which the French
have attempted to execute. After observ-
ing the inequalities which "the interest of
the Government"—"the interests of
particular orders of men who tyrannize
the Government"—"the rudeness or
barbarism of the people;" or "the un-
fortunate constitution of their Courts of
Judicature," have produced in the laws
of all nations,—he proposes as the re-
medy "a system of what might properly
be called natural jurisprudence, or a the-
ory of the general principles which ought
to run through, and be the foundation of,
the laws of all nations." The whole
passage is curious, and worth transcribing;
and, whether the reasoning be admitted or
rejected, equally disproves the charge of
importing, as an audacious novelty from
Paris,

Paris, the opinion, that *natural rights* ought to be the foundation of all laws and of all government.

“Every system of positive law*,” says our philosopher, “ought to be regarded as a more or less imperfect attempt towards a system of *natural jurisprudence*, or towards an enumeration of the particular rules of justice. As the violation of justice is what men will never submit to from one another, the public magistrate is under a necessity of employing the power of the commonwealth to enforce the practice of this virtue. Without this precaution civil society would become a scene of bloodshed and disorder, every man revenging himself at his own hand whenever he fancied he was injured. To prevent the confusion which would attend upon every man’s doing justice to himself, the magistrate, in all governments that have acquired any considerable authority, undertakes to do

* Adam Smith’s *Theory of Moral Sentiments*, page 433, of the edition published 1768.

justice

“ justice to all, and promises to hear and
 “ to redress every complaint of injury. In
 “ all well-governed states too, not only
 “ Judges are appointed for determining
 “ the controversies of individuals, but rules
 “ are prescribed for regulating the deci-
 “ sions of those Judges; and *these rules*
 “ *are in general intended to coincide with*
 “ *those of natural justice.* It does not, in-
 “ deed, always happen that they do so in
 “ every instance. Sometimes, *what is*
 “ *caused the constitution of the state;* that is,
 “ *the interest of the government;* some-
 “ times the *interest of particular orders of*
 “ *men, who tyrannize the government,*
 “ warp the positive laws of the country
 “ *from what natural justice would prescribe.*
 “ In some countries the rudeness and bar-
 “ barism of the people hinder *the natural*
 “ *sentiments of justice* from arriving at that
 “ accuracy and precision which, in *more*
 “ *civilised nations,* they naturally attain to.
 “ Their laws are like their manners, gross,
 “ rude, and undistinguishing. In other
 “ countries, the unfortunate constitution
 “ of their Courts of Judicature hinders
 “ any regular system of jurisprudence from
 “ ever

“ ever establishing itself among them,
 “ though the improved manners of the
 “ people may be such as would admit of
 “ the most accurate. In no country do
 “ the decisions of positive law coincide
 “ exactly, in every case, with the rules
 “ which the natural sense of justice would
 “ dictate. Systems of positive law, there-
 “ fore, though they deserve the greatest
 “ authority as the records of the senti-
 “ ments of mankind in different ages and
 “ nations, yet can never be regarded as
 “ accurate systems of the rules of natural
 “ justice.

“ It might have been expected that the
 “ reasonings of lawyers upon the different
 “ imperfections and improvements of the
 “ laws of different countries, should have
 “ given occasion to an enquiry into what were
 “ the natural rules of justice, independent of
 “ all positive institution. It might have
 “ been expected, that these reasonings should
 “ have led them to aim at establishing a sys-
 “ tem of what might properly be called na-
 “ tural jurisprudence, or a theory of the ge-
 “ neral principles which ought to run through,

" and be the foundation of the laws of all
 " nations. But though the reasonings of
 " lawyers did produce something of this
 " kind, and though no man has treated
 " systematically of the laws of any par-
 " ticular country, without intermixing in
 " his work many observations of this sort, it
 " was very late in the world before any
 " such general system was thought of, or
 " before the philosophy of law was treated
 " of by itself, and without regard to the
 " particular institutions of any one na-
 " tion. In none of the antient moralists
 " do we find an attempt towards a parti-
 " cular enumeration of the rules of jus-
 " tice. Cicero in his Offices, and Aris-
 " totle in his Ethics, treat of justice in
 " the same general manner in which they
 " treat of all the other virtues. In the
 " laws of Cicero and Plato, where we
 " might naturally have expected some at-
 " tempts towards an enumeration of those
 " rules of natural equity, which ought to be
 " enforced by the positive laws of every coun-
 " try, there is, however, nothing of this
 " kind. Their laws are laws of police,
 " not of justice. Grotius seems to have
 " been

" been the first who attempted to give the
 " world any thing like a system of those
 " principles which ought to run through, and
 " be the foundation of, the laws of all na-
 " tions; and his treatise of the laws of
 " war and peace, with all its imperfec-
 " tions, is, perhaps, at this day, the most
 " compleat work that has yet been given
 " upon this subject. I shall in another
 " discourse endeavour to give an account
 " of the general principles of law and go-
 " vernment, and of the different revolu-
 " tions they have undergone in the dif-
 " ferent ages and periods of society, not
 " only in what concerns justice, but in
 " what concerns police, revenue, and
 " arms, and whatever else is the object of
 " law. I shall not, therefore, at present
 " enter into any farther detail concerning
 " the history of jurisprudence."

DECLA-

“ DECLARATION OF THE
“ RIGHTS OF MAN AND OF CITIZENS

“ BY THE NATIONAL ASSEMBLY OF
“ FRANCE.

“ The representatives of the people of
“ France, formed into a National Assem-
“ bly, considering *that ignorance, neglect,*
“ *or contempt of human rights, are the sole*
“ *cause of public misfortunes and corruptions*
“ *of government, have resolved to set forth,*
“ *in a solemn declaration, these natural,*
“ *imprescriptible, and unalienable rights :*
“ that this declaration being constantly
“ present to the minds of the members of
“ the body social, they may be ever kept
“ attentive *to their rights and their duties :*
“ that the acts of the legislative and exe-
“ cutive powers of government being ca-
“ pable of being every moment compared
“ *with the end of political institutions,* may
“ be more respected: and also, that the
“ future claims of the citizens, being di-
“ rected by simple and incontestible prin-
“ ciples, may always tend to the mainte-

“ nance

“ nance of the constitution, and the gene-
“ ral happiness.

“ For these reasons the National Assem-
“ bly doth recognize and declare, in the
“ presence of the Supreme Being, and
“ with the hope of his blessing and fa-
“ vour, the following sacred rights of men
“ and of citizens :

“ I. Men are born, and always continue,
“ free, and equal *in respect of their rights*.
“ Civil distinctions, therefore, can be
“ founded only on public utility.

“ II. The *end of all political associations*
“ is, the *preservation of the natural and*
“ *imprescriptible rights of men*; and these
“ rights are liberty, property, security, and
“ resistance of oppression.

“ III. The nation is *essentially the source*
“ *of all sovereignty*; nor can any indivi-
“ dual, or any body of men, be entitled to
“ any authority which is not expressly de-
“ rived from it.

“ IV.

" IV. Political liberty consists in the
 " power of doing whatever does not injure
 " another. *The exercise of the natural rights*
 " *of every man has no other limits than*
 " *those, which are necessary to secure to*
 " *every other man the free exercise of the*
 " *same rights; and these limits are deter-*
 " *minable only by the law.*

" V. The law ought to prohibit only
 " actions hurtful to society. What is not
 " prohibited by the law should not be hin-
 " dered; nor should any one be compelled
 " to that which the law does not require.

" VI. The law is an expression of the
 " will of the community. All citizens
 " have a right to concur, either person-
 " ally, or by their representatives, in its
 " formation. *It should be the same to all,*
 " *whether it protects or punishes; and all*
 " *being equal in its sight, are equally eligible*
 " *to all honours, places, and employments,*
 " *according to their different abilities, without*
 " *any other distinction than that created by*
 " *their virtues and talents.*

" VII.

VII. No man should be accused, arrested, or held in confinement, except in cases determined by the law, and according to the forms which it has prescribed. All who promote, solicit, execute, or cause to be executed, arbitrary orders, ought to be punished; and every citizen called upon or apprehended by virtue of the law, ought immediately to obey, and renders himself culpable by resistance.

VIII. The law ought to impose no other penalties but such as are absolutely and evidently necessary; and no one ought to be punished, but in virtue of a law promulgated before the offence, and legally applied.

IX. Every man being presumed innocent till he has been convicted, whenever his detention becomes indispensable, all rigour to him more than is necessary to secure his person, ought to be provided against by the law.

X. No

“ X. *No man ought to be molested on account of his opinions, not even on account of his religious opinions, provided his avowal of them does not disturb the public order established by the law.*”

“ XI. *The unrestrained communication of thoughts and opinions being one of the most precious rights of man, every citizen may speak, write, and publish freely, provided he is responsible for the abuse of this liberty in cases determined by the law.*”

“ XII. *A public force being necessary to give security to the rights of men and of citizens, that force is instituted for the benefit of the community, and not for the particular benefit of the persons with whom it is entrusted.*”

“ XIII. *A common contribution being necessary for the support of the public force, and for defraying the other expences of Government, it ought to be divided equally among the members of the*”

“ the community according to their abilities.

“ XIV. Every citizen has a right, either by himself, or his representative, to a free voice in determining the necessity of public contributions, the appropriation of them, and their amount, mode of assessment, and duration.

“ XV. Every community has a right to demand of all its agents, an account of their conduct.

“ XVI. Every community, in which a separation of powers and a security of rights are not provided for, wants a constitution.

“ XVII. The right to property being inviolate and sacred, no one ought to be deprived of it, except in cases of evident public necessity, legally ascertained, and on condition of a previous just indemnity.”

I have subjoined the French Declaration of the Rights of Man and of Citizens to

the liberal sentiments of our English Philosopher, published nearly thirty years before, to prove that the generous and beneficent attempt to realize the natural rights of man is merely an execution of what he had conceived. This Declaration, like our Bill of Rights, in many of its articles, condemns the abuses of their former Government. They, however, had the wisdom to go farther, to lay their foundations in acknowledged truths, which, thus solemnly recorded, might afford governors and people an eternal monument of their duties.

Were I disposed to multiply quotations, it would not be difficult to produce authorities from the writers on our laws, in vindication of almost every article in this Declaration, respecting the private rights of individual citizens. The better mode will be, to select for discussion the controverted parts. Among the articles, which respect the rights of individuals, certainly the most important deviation from our established laws, is that maxim, derived from eternal principles of justice, that "*all being equal*" "*in its sight, are equally eligible to all ho-*

*"nours, places, and employments, according
 "to their different abilities, without any other
 "distinction than that created by their virtues
 "and talents."*

Disabilities and proscriptions of particular bodies of men, as these never can be the punishment of a crime, must ever be unjust to the individual; must provoke his hatred of the power that inflicts the injury; must in the prevailing party nourish a spirit of tyranny, for ever growing by indulgence; and must therefore have a necessary tendency to destroy the peace and order of society. Were the constitution of any state so far perfected, that legislation should always proceed on general principles of equal justice, the laws will in such state be regarded, not as a burden, but a benefit; not a weapon of hostility and outrage, but as a cementing benevolent principle uniting all hearts in their defence. Each man will feel an interest in the obedience of others, and no individual will henceforth violate the laws without personal disgrace, and provoking the just indignation of all.

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An intelligent mind, abstracted from the history of human follies and human crimes, would discover in religion a new security for this reign of universal peace. The first idea presented, must be an awful impression of the power and wisdom of the Great Author of all-created being. A contemplation of his works must develop the benevolence with which they were framed; and the general laws of the physical and moral world must teach, that all are equal in his sight. Of the natural rights which God has given to man, *the most perfect* is the freedom of his own mind. This he cannot renounce, though he may disguise. He cannot abandon, though he may belie his conscience, and deceive mankind. Of all the employments in which the powers of the human mind can be engaged, the worship of the Divine Being is peculiarly that, in which hypocrisy is folly added to guilt—is peculiarly that which always *must belong exclusively to the individual*. As it regards another life, it can effect none but him. As it indirectly affects the affairs of this life, its operation depends solely on the sincerity

sincerity with which it forms the heart and internal habits of the individual. If his devotions be sincere and rational, he can hope only to merit the favour of the Deity by the discharge of his moral duties to his fellow creatures, with whom he is destined to act. Accordingly we find, that in all religions, which are not mere systems of priestcraft, the fundamental principles are the same. They all enjoin the performance of the same duties. How far any religion shall produce *a real effect*, must depend on the sincerity with which the particular religionist humbles himself before his God. The utmost efforts of others, except by instruction, can avail nothing.

Happily for mankind the truths which concern his duty are too obvious to create a difference of opinion. When, indeed, man wanders beyond these limits into the airy regions of metaphysical subtlety, where priests have dogmatized, and the gaping multitude obeyed, *in thinking minds* opinions continually diverge, until as great a variety prevails in the sentiments as in the faces of mankind. Amidst this variety the
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with of the individual to render his service most acceptable to the Deity, is a subject on which a philosopher would expect mutual forbearance, even greater than in the most abstract speculative science. *It exclusively affects the individual worshipper alone, and the most unbounded exercise of private judgment is duty.* Yet strange as it may seem in a religion, whose fundamental principle is to love our neighbour as ourselves, and whose author has explained *neighbour* to mean *man without distinction of nation, of language, or religion*, intolerance of unimportant speculative dogmas, idle modes of worship and of faith, have convulsed every Christian kingdom, and deluged the earth with blood. Its ferocious aspect, indeed, has softened, as reason and knowledge diffused their influence; but the malignant spirit yet lurks in tests, which the prevailing temper of the age forbids the Magistrate to execute, sufficient, however, to engender discord, and occasionally destroy the houses of our fellow citizens.

That society can have no possible interest in tests, this single consideration demon-

strates.

strates. To those, who are so unfortunate as not to comprehend or believe the relation in which man, as a moral being, stands to his Creator, all tests are vain. They cannot hesitate to subscribe any dogmas, or perform any ceremonies, which convenience may require. Those, on the other hand, whose minds are awfully impressed with this great truth, find in *that opinion alone all the sanction which religion can possibly give to the discharge of social duties.* To such, tests are useless. But are tests, therefore, innocent? Their history proves, that they have originated in the worst passions of the human heart, are to this day upheld by the same spirit; and their necessary effects speak them subversive of the very foundations of all true religion and virtue. The test act originated in that horror of popery, which pervaded the kingdom in the reign of Charles the Second; which taught our ancestors to apprehend a general massacre from a feeble race, imbued, indeed, with a foolish superstition, but who formed not one hundredth part of the nation; which poisoned the very fountains of public security by false plots and conspira-

piracies, murdering harmless citizens under the mask and forms of justice; which made that infamous perjured villain, Titus Oates, a pensioner at the Revolution; which deposited the last remains of its baneful influence in the outrages of Lord George Gordon's mob, destroying our houses, and vomiting forth the contents of our prisons on the peaceful inhabitants of this great metropolis. The adverse and equally senseless yell of danger to the church first provoked the opposite passion by the persecutions of Laud, aided by the Courts of High Commission and Star-chamber; supported the absurd tyranny of Charles; upheld for a time the more foolish bigotry and greater violence of his brother; made a Saint of Sacheverel for preaching the impious and contemptible nonsense of passive obedience and non-resistance; and at length disgraced the nation in the eyes of enlightened Europe, by exciting an illiterate ignorant mob to destroy the house of a philosopher, who is an honour to his country, of a man whom the virtuous must love, and to involve in the same ruin many worthy and industrious citizens, who pre-
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sumed to worship God in the manner they deem most acceptable to the divine nature.

One party, indeed, Dissenters included, though disgraced by their fanaticism, directed their clamours against Popery to a noble object, the advancement of the civil liberties, and consequent happiness of mankind. They resisted the tyranny of the Stuarts; were the active friends of the Revolution; secured the succession to the House of Brunswick; and preserved the Crown to the ancestors of his present Majesty. Above all, these men first learnt to apply their reasonings on civil to religious liberty; and have amply redeemed their past follies by the just and liberal sentiments they now maintain. On the other hand, King-craft and priest-craft yet continue to disgrace their adversaries, who, in their ridiculous pretended zeal for uniformity of doctrine, which hypocrites alone can profess, lose sight of all their duties, and harden their hearts against the common charities, without which religion is a lie, and its rites a solemn mockery of their God. A Right Reverend Prelate sounds

the trump of civil discord; and while an ignorant multitude pursue without mercy, and plunder without remorse, pious pastors from their pulpits insult the justice of their country in the presence of her Judges, by treating the outrage of banditti as a wholesome supplement to her laws.

I, who can laugh at some dogmas of our church, and submit to her discipline, may venture to suggest, that the folly of this proscriptive spirit can be equalled only by its guilt. Why should the Church, by prophaning the most solemn rites of her religion, to qualify an Exciseman, expose herself to the derision and contempt of enemies, whose numbers she cannot diminish? Why irritate, why stimulate a numerous intelligent body of Dissenters to investigate her errors and expose her defects? Can a Dissenter possibly behold the laws of his country, excluding him from the common rights of citizenship, treating the acceptance of an office in the management of our common concern, as the most atrocious crime to be punished with all the consequences of outlawry? Can a Dissenter feel such outrage

and not abhor the unnatural, the absurd injustice? There is a sophistry in our passions which easily persuades us to believe it is our duty to destroy, what we cannot but detest and abhor. While, therefore, test laws subsist, all who dissent from the Church will labour its overthrow. Even I, a churchman and friend to establishment, do not hesitate to say, if the Clergy *will combine their safety with injustice to others*, let establishments perish. Establishments are *useful*; justice is *necessary* to the well-being of society.

So absurdly do some men reason, that this temper of Dissenters *thus provoked and created* has been urged as an argument for upholding the *cause*. The Clergy, forgetting the precepts of the meek author of their religion, claim a merit in abstaining from more active persecution, take praise that they do not re-light the fires of Smithfield, and with the language of charity in their mouths, but with the most unchristian rancour in their hearts, represent proscription from the common rights of citizenship as no injury. They affect to justify injustice:

tice : and in their turn to complain, that *their indulgence* to tender consciences is ill received, and that those who are not contented with *their permission* to live unmolested in our common country, prove themselves unworthy the rights of citizens. In private life, were an individual to hold the same language, were he to say to his equal, " I do you no injury ; I have neither murdered your father, nor robbed your house ; I have only turned you out of every public meeting in the parish." Were he absurdly to justify his violence, by alledging the manifest anger and resentment of his adversary, a dark room and strait waistcoat would be the sole reply to such ridiculous madness. Yet the absurdity of our present test laws is somewhat greater. While they irritate and provoke the Dissenters by an exclusion from all offices of honor or profit, they admit them as electors, admit them even to sit in both Houses of Parliament, where alone their resentment can attempt a change.

The real motive for preserving these laws is not a regard for the interests of society

ciety, yet less for the interests of religion ; nor is the motive to be found in a zeal for the establishments of our Church. Some establishment may rest on the broad basis of public utility. A precarious provision for the Clergy has a natural tendency to degrade religion in the persons of its Ministers ; *less, indeed, than a perversion of its precepts, or a prophanation of its rites.* The Clergy of the national religion ought, therefore, to be placed in a situation, whenever they deserve to command respect. It were, perhaps, difficult to reconcile to enlightened reason all the arrangements of our national Church : but possession is title, which none can impeach, who cannot demonstrate advantages more than sufficient to compensate the necessary evils of a change. If test laws degrade religion by a prostitution of its rites, destroy it by a subversion of its precepts, and endanger the Church establishment without a rational motive, what can support them ? According to Bishop Warburton, the established Church in any country is the natural *ally* of the civil government ; and “ the great preliminary or fundamental article of alliance
“ is

“ is this : *that the Church shall apply all its influence in the service of the State, and the State shall support and protect the Church.*” According to this notable system all governments are a conspiracy of profligate Statesmen and corrupt Priests against the common rights of mankind. Of such a system test laws are a most useful part : they enable Priests and Statesmen to inflame the minds of men against each other by groundless distinctions—the very terms of which the multitude cannot comprehend—to preclude all union from a sense of common interest ; and thus advance the profit of a *few* on the plunder and oppression of the *many*. But the sun of freedom has risen on the world to dispel these clouds of ignorance. The nation will unite in a common cause : and if such conspirators shall then remain, their falsehood, hypocrisy, and fraud, will incur the scorn and detestation of mankind.

The principle of justice, extending its equal protection to every member of the community, speaks the plain language of universal peace. To consider public institutions

tutions as deriving all their claim to support from their public utility, has a necessary tendency to unite all men in the cause of just government. Yet for maintaining these doctrines have I been stigmatised as wishing to become the leader of a mob. With those who *cannot reason*, I appeal to my past conduct. In the year 1780 it was my lot to sit in Parliament when Lord George Gordon assembled his myrmidons. Generally voting against Government, then engaged in the American war, I had no particular call of duty to be forward in its defence: yet for my activity in resisting that banditti, assembled in the lobby to awe the House of Commons, I had the honor to be included in the same proscription with Sir George Saville; and my humble habitation would probably have shared the fate of his, had not the Irish Students of the Law, perfect strangers to me, with a generous spirit characteristic of the nation, offered their protection. Our measures for resistance, at first derided, taught others to consult their own safety; and we were soon invited to concur in a common defence.

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The friends of civil and religious liberty must ever be friends of order. Their sole power is the voice of truth, which can be heard only in a calm. The temple of their worship can alone arise from the sober reason of mankind, directed by a sense of common interest. Government, on the contrary, love an occasional riot, which, with the assistance of the military, is easily suppressed; in the mean time it alarms the votaries of a fordid luxury; makes them crouch for protection; and teaches them patiently to endure evils imposed by the hand of power. Accordingly, for more than a month preceding the 14th of July, all the daily prints, in the interest of the Treasury, laboured to excite a tumult: yet in the numerous places where the French Revolution was celebrated, among its friends thus irritated and insulted, not a symptom of ill will to any human being has appeared. — In Birmingham, on the other hand, the senseless yell of danger to the Church resounded; and an ignorant multitude were taught to display their zeal for a meek and holy religion, by conflagrations raised in the houses of their fellow citizens. Even after
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this event, *doubtless some breach of order*, Government have abounded in tenderness and mercy. To let loose the rigors of justice, might have been a cruel sacrifice of their friends*.

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* It were improper to suspect any part of the Clergy of wishing this calamity: yet the Christian charity of many could not restrain their exultation when the calamity fell on those who, doubtless, were "sinners beyond all the Galileans." One instance in which the zeal of the Church was opposed to *good works* deserves to be recorded. At Warwick some ungodly Dissenters had *admitted* into their Sunday school certain children, whom the Church schools had *rejected*. They cloathed these children, and instructed them, not in controversial Divinity, but in the rudiments of Christianity. It was even proved, that these wicked Dissenters sometimes had given money to the children most diligent in their learning, and to the whole company a dinner every Sunday. This *seduction* from the Church created alarm. A worthy Clergyman required them to shut up their school, and doubtless, in the excess of his zeal, hinted—"some dreadful consequences" of their obstinacy, "a meeting house and dwellings of their own that may possibly in their turn be destroyed." Four more reverend Churchmen, with other wise men of Gotham, assembled, and gravely voted, that he "had supported the character of a conscientious and good Christian, and that the thanks of this meeting are due to him for his upright and judicious conduct." It

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When reasoning men behold these things they are more firmly convinced, that a sense of universal justice can alone establish permanent order and peace—that a rigid adherence to general principles in legislation can alone secure imperfect beings from the seduction of prejudice or passion; and thence infer the wisdom of France in this solemn declaration of right, that the law should “be the same to all, whether it
 “ protects or punishes; and all being equal
 “ in its sight, are equally eligible to all
 “ honors, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents.”

“That the nation is essentially the source
 “ of sovereignty,” is the principle of public law, against which the whole artillery of your eloquence has been levelled. Yet this I affirm to be the fundamental principle of the British constitution; and that whoever

is but justice to add, that Dr. Cornwallis, Bishop of Litchfield and Coventry, interposed in a manner highly becoming his station.

denies it, cannot maintain the title of his present Majesty to the Throne of these kingdoms. That, *in fact*, his title originated in the act of the PEOPLE, not organized in *any legal form*, nor convened by *any legal authority*, seems to me beyond all controversy. The history of the Revolution you have endeavoured to pervert. A simple narrative confutes you. King James, who *by law* could do no wrong, because *by law* his agents and instruments were *alone responsible*, and who, *upon principles of natural justice*, could not forfeit for his son, fled from the kingdom, and carried with him his son. The Prince of Orange refused to act upon the address of the Peers convened under Lord Hallifax, but called together a representative of the PEOPLE, acknowledged *by no law*, nor *analogous to any assembly that had ever existed*. He convened not the Members of Parliament who had sat under James the Second—not the Members of *any one Parliament* that had sat under Charles—but *all the Members* who had sat in any Parliament of Charles the Second before the subversion of charters;

ters ; and to these were added the *Mayor, Aldermen, and fifty Members of the Common Council of the city of London.* This assembly invested the Prince of Orange with authority to convene a Parliament : and under this authority the subsequent settlement was made, which has given to the House of Brunswick their title to the Throne of these kingdoms. It is plain that this assembly was convened by a Prince who had no pretence of himself to exercise authority within these kingdoms—no claim but his recent merits in delivering the people from arbitrary power—no title but to their gratitude—and accordingly a grateful sense of his merits rendering him the object of their choice, the nation vested in him the sole exercise of the Royal authority during his life, in exclusion even of his wife, the Princess Mary, as well as of other branches of the Royal family. The Nation in this settlement were certainly not governed by caprice, but by a rational sober choice. The then present settlement in the Prince of Orange, was a measure of present convenience ; the subsequent limitations followed the

the line of legal succession, *as far as was*
judged consistent with the religion and liberties
of the country. The late King, his son, and
all Papists, were for ever excluded.

When we speak of a right in the nation,
 we do not mean a right to be found in the
 statute book, or defined by an existing law,
 for we are speaking of a *right paramount,*
the source and origin of all law; but if no
 right to change the succession to the Crown
 resides in the people, his present Majesty is
 an usurper, and we are all rebels against
 our lawful Sovereign. From the Revolu-
 tion (not to go higher) no person *legally*
entitled to convene a Parliament has appeared,
 consequently no Parliament has existed;
 for I presume you are not willing to revive
 the *Republican fraud* of the King's *autho-*
rity, signified by the two Houses of Parlia-
ment. In defiance, however, of the sense-
 less jargon of Tories and Jacobites, his
 Majesty's title stands on a rock of adamant.
 His title *originated* from the PEOPLE exer-
 cising a right which the God of nature has
 given, and that title has been uniformly
sanctioned by their consent.

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To rejoice at the overthrow of despotism, and the erection of a free constitution, does not require a *nice discrimination* of the cases, in which an *exercise* of this right is consistent with *moral duty*. No man ever contended that a *nation*, any more than the *individuals* of which it is composed, are exempt from moral restraints. Deriving their being and their rights from God, all are accountable to God for their conduct; but as no Theocracy exists, and as the delegated divine right of Kings is exploded, we infer, that British Kings, *deriving their authority from the people, are accountable to the people*; and steadily appeal to the Revolution as decisive evidence of this truth—a truth which no friend to the House of Brunswick can possibly deny.

If the *language* of the old Whigs, in contradiction to the *plain fact* of their conduct, was accommodated to the *prejudices* of their allies the Tories, who concurred in the Revolution—if they wished not to expose their recent establishment to the attack of these *prejudices*—if, notwithstanding all their care, *two rebellions* were excited

cited by *these prejudices* in favour of the exiled family, and against the family of his present Majesty, now that the danger is past, to enlighten the people becomes a duty. In our ancestors this language of prejudice might be a pious fraud. In us the same language is falsehood without a motive, and folly without excuse.

The error of your reasoning is manifest. It proceeds on this sacrifice to prejudice, and the consequent inaccuracy in the *language of the Whigs* at the Revolution: but it subverts the *principles* on which they acted. Thus to disprove the right of the people, you transcribe the *language* of the convention Parliament, which derived its existence from the *will of the nation*, spoken by an organ unknown to our laws, by a representation of the people, extremely dissimilar in its constitution to an ordinary House of Commons. In the same manner you refer to the *language* of the act of settlement, which you say vests by *recognition* * in their Majesties all the legal prerogatives

* Reflections, p. 25.

of the Crown, though the first object of that act was to vest the *sole exercise of these prerogatives* in King William, who had no pretence of title but the *choice of the nation*. In like manner you exult * in the legislative ejaculation at “ the marvellous providence and merciful goodness of God to this nation, to preserve their said Majesties *Royal* persons most happily to reign over us on *the Throne of their ancestors* ;” though the act was made to overturn the *legal succession*, and to confer the Crown on their Majesties, who confessedly had no *previous title*. And lastly, to sum up this notable argument, and silence all objections, you give us the *language* of this act, in which Lords and Commons, in the name of the people, “ submit themselves and their heirs and posterity for ever,” as a complete abdication of all *future right* of change in their posterity; though you confess this to be a transcript of an act of *their ancestors*, which by this very instrument they themselves had overthrown : — by which instrument they had postponed to

* *Reflections*, p. 24.

King William two Princesses prior in the line of succession, *Protestants*, resident within the kingdom, against whom there was no exception:—by which instrument they had absolutely cut off, not only King James, a tyrant and bigot, but likewise his *innocent infant son*, from an apprehension, that he might be hereafter educated in principles, civil and religious, adverse to the liberties of the country:—by which instrument they had eventually transferred the Crown to the Princess Sophia, in preference to others prior in the legal course of succession; and had on this limitation engrafted a *new condition* respecting the religion and marriage of even her posterity. By such reasoning an estate, conveyed to a *man and his heirs* for ever, would become the *unalienable* property of those heirs in *eternal* succession. The sole difference is this—that an estate, being held for the *benefit of the individual*, is at *his disposal*. All magistracy, being held *solely for the benefit of the nation*, the nation alone have the right to determine how and by whom it shall be exercised. It is a vain attempt to puzzle a plain subject, by involving it in moral distinctions,

which only regard the *exercise* of the right. A man who should disinheret a worthy son in favour of a worthless stranger would act a most *immoral* part; but his *right* to dispose of his property could not be questioned. So a nation which should change their government, without an adequate motive, without a rational prospect of advancing the public happiness, would likewise act a most *immoral* part; but *their right to judge for themselves*, though not so familiar in the *exercise*, is alike unquestionable. This distinction between a *right* and its *exercise* is perfectly familiar in the writers on the laws of nations; and almost all the *acknowledged rights* of nations, in their intercourse with each other, stand on this distinction*.

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* To illustrate this reasoning in its full extent, would be to transcribe volumes—it is sufficient to suggest the idea to those conversant with writers on public law. In a *moral* view the *right* of war, in any nation, is a *right to prosecute the demands of justice*; which, in a *moral* view, the adverse nation can have no *right* to withhold. All the *subsidiary rights* attributed to nations are the *means* of prosecuting this *original right of justice*,

You have not pushed this argument from the *language* of public acts as far as fair logical deduction will warrant. Should some wicked modern Whig affirm, which he might do without apprehension of censure, that, to prevent abuses in the executive power of the Crown, and to keep Kings and Ministers within the bounds of law, formed under our present constitution, the most important duty of Parliament, how *triumphantly* might you appeal, not to the *obsolete language* of the last century, but to the *language of the present existing House of Commons*, whose first act was to prostrate themselves before the Throne, and humbly receive from the grace and favour of his Majesty that *pretended natural*

justice, consequently must arise from it, and can only belong to *one* of the contending nations. Yet, according to the received maxims of the law of nations, not only neutral, but even the contending nations, attribute these derivative rights to *both*; because to *decide* whose cause is just, would be to arrogate a superiority, which annihilates the independence, and consequently the existence of the nation. The same reasoning applies with greater force to a *whole community* as contrasted with *any of its parts*.

right, freedom of speech? How can that assembly be instituted for the purpose of control, who cannot even debate the subject of this *pretended duty*, without the express permission of the Sovereign? When a man, gifted like Mr. Burke, condescends to employ such reasoning, he demonstrates the necessity of reforming absurd institutions, and rendering the language of laws consistent with the theory and principles of a free Government.

How artfully do you confound distinct ideas in the following passage:—"The constitution* of a country being once settled upon some compact, tacit or expressed, there is no power existing of force to alter it without the breach of the covenant, or the consent of all parties. Such is the nature of a contract." And in another part of your work you inform us, that, independent of civil institutions, no right of a majority can exist—so that the consent of every individual citizen, upon your reasoning, is required. Speaking of

of the National Assembly from the letter of the Appeal, p. 118.

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an express *contract*, or a contract properly so called, your argument is correctly true. When any number of men have pledged their faith for the performance of certain stipulations, nothing short of the *consent of every individual* can absolve the rest from the obligation, because the intent of an express or proper contract is, *to define what each shall do for the benefit of others*—and the observance of faith is a moral duty, with which I am not disposed to play the casuist. Exclude, therefore, all exceptions. Admit the nature of a contract to be indissoluble without a breach of covenant, or the consent of every individual. Upon this principle, how will you justify any change in the constitution, even the most minute; for *every part* of a contract is equally binding, equally indissoluble, without consent? And How will you defend your favourite Parliament, which, elected for *three* years, fraudulently prolonged their power to *seven*? Has the subsequent acquiescence, the consent of the people, legalized this usurpation? You, who reprobate the departure of the National Assembly from the letter of the cahiers, though their actual exercise

cise of power has been uniformly applauded by a whole nation, cannot advance this argument of subsequent consent. Certainly the consent of the British appears far more equivocal than that of the French nation. *Formally* and *distinctly* it never has been given—tacitly, under terror of punishment, if they presumed to resist. Possibly you may say, that by the contract establishing our Government, the consent of every individual is bound up, and involved in the consent of Parliament. This is the ground I should have chosen to prove, that all contract on the subject of Government is *impossible*. In every government there must be a supreme legislative power. Whether this supreme power be vested in a Parliament, a Senate, or an individual, the argument is the same; for we are examining the *supposed foundation of all Government*. A contract of submission to the *will* of this supreme power is assumed. This would be a contract of a nature, such as the Courts of Justice, in no civilized nation, ever admitted. To affirm it is palpable nonsense. It would be an engagement, binding only *on one party*, which *the other might vary at*
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pleasure; because, in the exercise of legislation, the Prince, or the Senate, or the Parliament, in whom the power might be vested, could prescribe the rule of their own conduct. It would be an engagement on the part of the people to submit to the unlimited *pleasure* or *caprice* of others—a situation in which man, as a moral being accountable to God for his conduct, cannot place himself.

To talk of a contract between the Magistrate and People, in most of the existing Monarchies, where the will of the Prince is the measure, and a military force the means of compelling obedience, is to insult the common sense of mankind. Our Monarchy, indeed, forms a signal exception to this observation; but for exulting as a Briton in this honorable distinction, you have loaded Dr. Price with the foulest abuse. I am willing, however, to give you all the benefit which this honorable distinction affords. In our Government, no contract exists. By the term original contract, in the famous vote of the convention Parliament, our ancestors could only mean

an obligation inferable from the relations in which Governors and People are placed—similar to the obligations *quasi ex contractu* of the civil law—or as they are more incorrectly denominated in our law, implied contracts—*duties inferable from natural justice*. That the term original contract was employed in this sense, is evident from no reference being made to any specific compact (for none existed), and from the vague and indefinite terms in which the breach of this original contract is charged, “an endeavour to subvert the constitution, and “a violation of the fundamental laws.” What are *fundamental laws*? What is an *endeavour to subvert the constitution*? What if a people be so unfortunate as to have no constitution of government, but are subject to the *despotic will* of one man? Where are such a people to learn their *civil duties*? Where! but in those reprobated rights of nature which our English philosopher has taught us, “ought to run through, and be “the foundation of the laws of all nations?” Where! but in those moral obligations, which reason is able to deduce from the relations in which we are placed

placed by the hand of the Creator? Where! but from those principles to learn the nature and true end of Government, and aided by the experience of all ages and nations, to adapt their institutions to this beneficent object—the happiness of the people? Yet because we hail with approbation a generous attempt to realize these rights in France, you brand us as conspirators against the laws and government of our country.

These principles have not a tendency to overthrow any Government, not *radically subversive of the rights of nature*. These teach us to discriminate between legitimate authority and usurped power—between the perversion of the best institutions in the hands of so imperfect a creature as man, and the tyranny of a despot—to correct the one, and to destroy the other. Whereas your wild idea of a contract equally binds the people to every species of power once established, equally supports the despotism of Turkey as the mild administration of laws in Great Britain. Your doctrines confound the King of Great Britain, who owes

his Crown to the choice of his people,
 “ with the rest of the gang* of usurpers,”
 (for such there are even in enlightened
 Europe) “ who reign, or rather rob, all
 “ over the face of this our miserable world,
 “ without any sort of right or title to the
 “ allegiance of their people.”

You dwell with peculiar complacence
 on the term *necessity*, as applied to our Re-
 volution of 1688. Is it requisite to ob-
 serve, that this term imports a moral, not a
 physical, necessity, descriptive of the urgent
 duty on the people to assert and vindicate
 their rights? The abuses of prerogative
 were the evils of that day. Suppose the
old spirit should assume *new forms*?; are not
 the people, for whose benefit all Govern-
 ment is instituted, for whom all Governors
 act in trust, authorised by the eternal laws
 of God to provide for the public happi-
 ness? I am asked, perhaps, by what organ
 their sense of this duty shall be declared?
 An unconnected multitude have great dif-
 ficulties to encounter in asserting their
 rights; and this disadvantage has enabled
 the few to acquire and abuse their power.

* Reflections, p. 17.

The general diffusion of knowledge every day diminishes this evil. Let us teach the people to understand the nature and true end of Government, and the awe of their power will probably effect much good, without calling their force into action. If they be greatly oppressed, they will resist—happy if in that resistance their passions will submit to the guidance of enlightened minds!

Egregiously as you misrepresent the opinions and principles of those contemptuously denominated new Whigs, one position you have fairly stated. We unquestionably do maintain, “that Magistrates have duties, but no rights”—that is to say, no rights *belonging to them as individuals*; given for *their* benefit. Property is a right belonging to the *individual*—intended *for his benefit*—He therefore is the sole judge of its proper disposal. Magistracy is created for *the benefit of the people*—derived from the *people*—and, *from its nature, perpetually held in trust* for the people. Hence we infer, that the people have the ultimate right to decide on the nature, extent, and

duration, of this power. Were I to substitute for *people* any term descriptive of the governing power in the State, you will not dispute the proposition. In your intended bill for regulating the Judicature of Wales, the proposition is assumed as indisputable. The office of Judge in Wales, as in England, is held for life; yet it never entered into Mr. Burke's head to conceive, that any *right* in the individual, to administer justice during life, could be opposed to the intended reform of uniting the Judicature of Wales with that of England—to be administered by an additional number of Judges in our Supreme English Courts. The power of Parliament, to prescribe the rule of conduct to all Magistrates, even the highest, is universally admitted. Innumerable acts have passed to limit, modify, and define, the prerogatives of the Crown. Almost all the acknowledged liberties of the people are sanctioned, not created, by acts of Parliament, condemning the usurped power of the Crown. The succession to the Crown itself has been frequently changed by Parliament. When, therefore, you assert, that "his Majesty's heirs, each

" each in their turn and order, will come
 " to the Crown *with the same contempt* of
 " their choice with which his Majesty has
 " succeeded to that which he now wears,"
 you must mean, not with the same con-
 tempt of *Parliament*, but of the *People*.
 Were this true, the maxim " that the So-
 vereignty, whether* exercised by one or
 " many, did originate from the people,"
 would be " a position not worth denying
 " or assenting to," especially as you have
 before informed us, that " *the distempers*
 " *of monarchy were the great subjects of*
 " *apprehension and redress in the last century;*
 " *in this the distempers of Parliament.* It is
 " not in Parliament alone that the remedy
 " for parliamentary disorders can be com-
 pleted; *hardly, indeed, can it begin*
 " *there†.*" If, therefore, you can exclude
 the interference of the *people*, our case is
 hopeless indeed! You insult us only with
 disclosing the nature and extent of the evil.
 " The notorious infidelity and versatility of
 " Members of Parliament, in their opinion

* Appeal, p. 56.

† Thoughts on the Cause of the present Discontents,
 p. 101.

“ of men and things,” is the evil, according to your description ; and its extent, that these Members, by an indiscriminate support “ of all Administrations *, *have* “ *totally banished all integrity and confidence* “ *out of public proceedings*, have confounded “ the best men with the worst, and weakened and dissolved, instead of strengthening and compacting, the general order of “ Government.” In vain you now endeavour to evade this representation, by referring to the supposed magical effect of your mutilated bill † of reform. *Your deliberate present judgment of this influence*, is unequivocally stated in a publication *subsequent* to your celebrated Reflections. You affirm, that the “ King of Great Britain ‡, in “ whatever concerns him as a King, or, “ indeed, as a rational man, who combines “ his public interest with his personal satisfaction, does possess a more *real, solid,* “ *and extensive power*, than the King of “ France was possessed of before this mis-

* Thoughts on the Cause of the present Discontents, p. 201.

† Appeal, p. 41.

‡ Letter to a Member of the National Assembly, p. 67.

“ rable

“ rable Revolution.” In *your judgment*, therefore, at this hour, the power of the King of Great Britain exceeds the deposed despotism of France. It is merely disguised, according to the maxim of an *unconstitutional Statesman*. “ It * must be always the wish of an *unconstitutional Statesman*, that an House of Commons, *who are entirely dependent upon him, should have every right of the people* entirely dependent upon their pleasure. It was soon discovered, that *the forms of a free*, and the ends of *an arbitrary Government*, were things *not altogether incompatible.*”

I am very far from adopting the extravagance of your present or former assertions, but merely mean to shew by an argument, *ad hominem*, the consequences of your doctrine. If the people be not as competent to reform the *distempers of Parliament* in the present, as the *distempers of Monarchy* in the last century, the British Constitution must inevitably perish. We modern Whigs, therefore, maintain, that this right of reforming Parliament belongs

i Thoughts on the Cause of the present Discontents, p. 12.

to the Nation, by the same unalterable law of God and nature, by which our ancestors deposed James the Second. We wish their descendants, guided by the same moral necessity, to emulate the praise of their moderation, and to restore the Constitution according to its *acknowledged principles*, by making the House of Commons a *real effective representation of the people*. Without a thorough union of interests with the great body of the nation, “such * an assembly may be a great, awful Senate; but it is not to any popular purpose an House of Commons.”

“Government†,” you affirm, “is not made in virtue of natural rights.” If so, I should be glad to know how it is made—except by *usurpation*. No *original rights* can exist but those of *nature*. If Government be not made in *virtue of natural*, it can be made in virtue of *no rights*; for the making any thing, precludes the idea of its *previous existence*. Yet you tell us, “Government is a contrivance of *human*

* Thoughts, p. 69.

† Reflections, p. 88.

“ wisdom to provide for human wants.”

You plainly mean a contrivance of the *wisdom of a few*, to provide for the *wants of the many*; for the single want expressed is,

“ the want, *out of civil society*, of a suffi-

“ cient restraint upon their passions. So-

“ ciety requires, not only that the passions

“ of individuals should be subjected, but

“ that, even in *the mass and body*, as well

“ as in the individuals, the inclinations of

“ men should be frequently thwarted,

“ their will controled, and their passions

“ brought into subjection. This can only

“ be done *by a power out of themselves.*”

That this wholesome discipline, on every

individual Member of the State, is an im-

portant object of society—that fixed laws

and established courts are provided for this

end—that the whole organization of Go-

vernment “ becomes a consideration of

“ convenience,” are propositions agreed.

The reprobated Democrats of France ex-

pressly affirm, in their Declaration of

Rights, “ that civil distinctions † can be

“ founded only on *public utility.*” They

* Reflections, p. 89.

† Article 1st.

add, indeed, that "the nation is essentially
 "the source of all sovereignty." This
 you controvert, because the nation must be
 controlled by a power out of themselves. If
 it be not intended to set up a foreign juris-
 diction, from what source of right can Go-
 vernment be derived? The same objection,
 which you urge with respect to the people,
 may be affirmed with greater truth of
 Kings. I do not subscribe to your senti-
 ments, that "Kings are naturally lovers
 "of low company*." They undoubtedly
 have the education, and manners, and
 pride, and something more than the pride,
 of gentlemen. Nor shall I approve the
 language, "† that the meanest of us were de-
 "graded into the vices or folly of Kings."
 Yet Kings being men, must have the pecu-
 liar defects incident to their stations. They
 can have no predilection for those equal
 rights which society was instituted to pro-
 tect. Neither can this protection originate
 in any select body, because such a body
 not only may, but must have an interest
 distinct from that of the people. No other

* Speech on Reform, p. 68. † Speech at Bristol, p. 11.

source of government, therefore, remains, but that "the nation is essentially the source of all sovereignty;" and it follows as a consequence, "that not any individual, or body of men, can be entitled to any authority which is not expressly derived from it." What power shall restrain the people? may yet be asked. A very ingenious and justly celebrated author, in his theory of moral sentiments, has demonstrated, that the feelings of the impartial spectator are the standard of moral distinctions, and that God in his wisdom has thus constituted man the natural guardian of the rights of man.—But it is the rough discipline of equality which can alone teach each individual to respect the natural rights of others, or obey the great precept of moral as well as religious duty, to do unto others as he wishes them to do unto him. Aided by this instruction, implanted in the heart of man, reason has enabled us to deduce from these sources a digest of moral duties. Aided by the experience of different nations, in the different ages of the world, philosophy has taught the institutions of Government best adapted

to enforce the performance of these moral duties. But *a sense of common interest*, in the great body of the people, can alone teach governors and governed to listen to the voice of Philosophy—can alone preserve, reform, or improve, the institutions fitted to promote the happiness of mankind.

Led by this train of reasoning, we boldly avow an approbation of the French Revolution, as destroying a despotism *in its nature subversive of all the rights of man*.

We applaud the French Legislators laying the foundation of their Government in those *natural rules* of justice, which “ought to run through, and be the foundation of, the laws of all countries.” We sincerely accord with their doctrine, that “the nation is essentially the source of *sovereignty*,” and that civil distinctions can “be founded only on public utility;” because the institutions of Government, or claims of Magistracy, *ought to have no other object* than the public happiness; and of the *means* of attaining this happiness, the nation must ever continue the sole, natural,

legitimate judges. We think the French Legislators wise in adopting general principles as the institutes of legislation, because, as Mr. Burke well observes, "*general principles*," cannot be debauched or corrupted by interest or caprice." In these positions we discover nothing adverse, but, on the contrary, every thing highly congenial to the spirit of our own Government. In some parts of the French Constitution, perhaps we discover the rage of fanciful refinement; in other parts, institutions well worthy of imitation: but above all, we discover, in the admirable representation of the people, a principle of vigorous improvement abundantly sufficient to correct all its defects.

You judge of our principles not by our language, or our actions, but by the heated imagination of an adversary determined to condemn. Try us by experience of the past in the instance which you have chosen. "No persons + were more fiercely active

* Speech on Reform, p. 15.

+ Appeal, p. 50.

“ against Mr. Fox and against the House
 “ of Commons, dissolved in 1784, than
 “ several of these Revolution-makers,
 “ whom Mr. Burke condemns alike in his
 “ remonstrance, and in his book.”

Though the author cannot admit the description of “ Revolution-makers,” as applied to himself or his friends, or the supposed *fierce* activity against Mr. Fox, with whom he voted in Parliament, and whom he has ever greatly revered, he readily acknowledges, that his principles led him to condemn the conduct of the House of Commons in 1784, in contradiction to his best friends and nearest connections. Mr. Burke's candid construction is given in these words : “ He is persuaded * that they “ are totally indifferent at which end they “ begin the demolition of the Constitu- “ tion ; ” “ some would destroy the House “ of Commons through the Crown ; some “ the Crown through the House of Com- “ mons.” The best test of the truth or falsehood of this imputation will be faith-

ful extracts from the arguments at that
time employed.

The author, in 1784, was the first who
publicly maintained it to be the duty of
the King to dissolve that House of Com-
mons; because they destroyed the poor re-
mains of controul in our Constitution, by
arrogating to themselves, in the nomination
of Ministers, the executive power of the
Crown. These were his reasons for think-
ing such an attempt, if successful, would
“render the House of Commons worse
“than useless, and totally annihilate the
“liberties of the country.”

“Liberty*, to the individual, is nothing
“more than a freedom from restraint.
“Self-government, or a right to act from
“the dictates of their own minds, is all
“that the people can possibly possess; and
“human laws, which have public free-
“dom for their object, can do no more
“than secure the actual enjoyment of this

* Claim of the House of Commons, &c. p. 6, pub-
lished 1784.

* Appeal, p. 20.

“ right

“ right to each individual, by repressing
 “ the encroachments of others. Hence
 “ results an important distinction.—The
 “ people at large, from the immutable na-
 “ ture of things, cannot possess other than
 “ *defensive privileges*; and all professed
 “ designs, to give them the *active powers*
 “ of Government, are a cheat, calculated
 “ only to advance the ambition of their
 “ leaders. The error, which destroyed
 “ all the Republics of antiquity, was this
 “ delusion. The people were taught to
 “ grasp at power, which ever must be the
 “ power of others. They conferred, in-
 “ deed, this power on their favourites; but
 “ these favourites became the tyrants of
 “ their country. The people at Rome
 “ might enlist under different leaders; but
 “ whether Pompey or Cæsar prevailed, the
 “ effect was the same—the people were
 “ enslaved. They struggled for a time
 “ with this original sin in their Constitu-
 “ tion. By laws they limited the duration
 “ of office. They divided and subdivided
 “ the powers of Government. They cre-
 “ ated peculiar Magistrates to watch over
 “ the public freedom: but in the tribunes
 “ of

“ of the people, Cæsar found the instru-
 “ ments of his ambition at the very hour
 “ he was marching his army to subdue
 “ the Republic. In this country the
 “ people have adopted a different mode.
 “ They have renounced all pretensions to
 “ power, which it is impossible the people
 “ can ever enjoy; and contenting them-
 “ selves with what is practicable in Go-
 “ vernment, they have retained only *de-*
 “ *sensive* *privileges* to themselves, or their
 “ representatives, vesting the *active powers*
 “ of Government in an hereditary Mon-
 “ arch. The whole fabric of the British
 “ Constitution consists of bulwarks erected
 “ against the abuse of power; but as the
 “ Constitution has vested the executive
 “ power in a Monarch, all our laws are
 “ framed to regulate the exercise of this
 “ power in *his* hands. The whole autho-
 “ rity, even of the House of Commons,
 “ legislative and inquisitorial, is directed
 “ to these two objects; to stipulate in the
 “ form of laws, the terms on which the
 “ Monarch is permitted to govern, and to
 “ enforce the observance. Let the House
 “ of Commons usurp the executive power

“ —what security remains to the people ?
 “ All existing laws are a dead letter ; for
 “ who shall enforce their observance ?
 “ What *new* laws, adapted to the control
 “ of this *new* power, can the people expect,
 “ when those, whose duty it is to propose
 “ these laws, are become parties in the
 “ abuse ?

“ Men who have attended the busy
 “ scenes of parliamentary debate, especially those *whose minds have been de-*
 “ *bauched by the mixture of executive go-*
 “ *vernment, which corrupt Ministers have*
 “ *introduced into the House of Commons,*
 “ may be surprised at the assertion, that
 “ all the rights of the people, and of their
 “ representatives, are, and must be, while
 “ public freedom is their object, mere de-
 “ fensive privileges. Yet nothing can be
 “ more demonstrably true ; and the happy
 “ effect of the application is principally
 “ owing to the *exclusive* possession of the
 “ *active powers* of Government by the
 “ Monarch. This situation binds the re-
 “ presentatives to the constituents, and the
 “ whole nation each to the other in the

“ indissoluble bonds of one common in-
 “ terest—a common interest in enacting
 “ equitable laws, and compelling the ob-
 “ servance.”

Again *, “ The true question, therefore,
 “ stripped of these false colours, will be,
 “ Is it the duty of the House of Com-
 “ mons to usurp the prerogative of nam-
 “ ing Ministers? On this question I have
 “ no difficulty in deciding. The House of
 “ Commons possessing this power, can no
 “ longer answer the purpose of its institu-
 “ tion, but will become a curse and scourge
 “ to the country, from the moment in
 “ which they succeed.”

“ The direct means of securing the
 “ blessing of liberty and independence to
 “ the individual, are the laws relative to
 “ the judicial authority. Hence the in-
 “ dependence of Judges; the strict ad-
 “ herence to known rules; the trial by
 “ Jury, that admirable institution, which

* Claim of the House of Commons, &c. p. 6, pub-
 lished 1784.

“ commits the safety of each individual to
 “ twelve men, who have an equal interest
 “ with himself in the general security.
 “ Hence, likewise, that excellent writ
 “ which reveals the secrets of prisons, and
 “ suffers not even the necessary means of
 “ justice to be employed to the purpose of
 “ oppression. Of what use are all these
 “ laws, if there be none to enforce the
 “ observance? The inquisitorial power
 “ of the House of Commons is here the
 “ defence of the subject. This assembly
 “ can examine into every evasion or viola-
 “ tion of private or public right: they
 “ can attain that perfect investigation of
 “ every abuse which individuals would at-
 “ tempt in vain. These abuses may be
 “ protected by Ministers. They can im-
 “ peach Ministers, or their instruments.
 “ But is the discharge of this their first duty
 “ consistent with the nomination of Mi-
 “ nisters—with the participation of their
 “ power—with having themselves an in-
 “ terest in the abuses they should correct?
 “ A House of Commons, under such cir-
 “ cumstances, would quickly become par-
 “ ties

ties in the oppression of a plundered
people.

“ To provide for the observance of sub-
sisting laws, by the most exact admi-
nistration of justice, would be of little
avail, if the people had no means of
obtaining equitable laws, as the rule of
conduct, which their Governors were
compelled to observe. A single law
might annihilate all their rights in an
instant. This, indeed, were little to be
feared, for undisguised violence is sel-
dom attempted ; but it requires all the
watchful jealousy, which the enjoyment
of these inestimable rights can inspire, to
guard against the daily encroachments
of power, and to repair the frequent
breaches, which the most perfect system
of Government, like all other human
institutions, must sustain. This office
the people of England have delegated
to their representatives in Parliament ;
and it forms far the most important
duty of the House of Commons. Are
the present pretensions of that House
consistent with the upright discharge of
“ this

“ this their most important duty ? In the
 “ exercise of this trust, they are to stipulate,
 “ with the executive authority of the
 “ State, the terms and conditions of its
 “ exercise ; and where former laws have
 “ proved insufficient to prevent abuse,
 “ they are to exact new laws, such, if
 “ possible, as will preclude future evasion.
 “ *One great evil which had arisen from va-*
 “ *rious causes, foreign as well as domestic,*
 “ *was the influence which the executive Ma-*
 “ *gistrate had attained in our National As-*
 “ *semblies. The private interest of indivi-*
 “ *duals almost silenced the national interest,*
 “ *which ought ever to dictate the resolutions*
 “ *of the House of Commons.* Remedies
 “ from time to time have been applied.
 “ Laws have been made to exclude Place-
 “ men from seats in that House, and even
 “ from a voice in the election of Members.
 “ The caution was necessary, lest the exe-
 “ cutive Magistrate should be able, by in-
 “ fluencing the voice of the majority, to
 “ prescribe, in the form of laws, the rules
 “ of his own conduct. Will this evil be
 “ less, if, by the election of Ministers, or,
 “ in other words, by the exercise of the
 “ Royal

“ Royal authority in the House of Com-
“ mons, the general interest of the body
“ becomes the advancement of their own
“ power? Will not they, in the character
“ of Legislators, prescribe the rules most
“ consonant to their own views, regardless
“ of the general interest of the commu-
“ nity? The attempt to possess them-
“ selves of the executive authority, which
“ they were appointed to watch and con-
“ trol, is, in my judgment, a direct abdica-
“ tion of their trust; for the very founda-
“ tion of confidence is subverted. How
“ can the people confide in, how can the
“ people be *represented* by, those, *who no*
“ *longer have a common interest with them-*
“ *selves?* The natural interest of men
“ raised to stations of public trust, is the
“ advancement of their own power. The
“ interest of the people at large ever must
“ be general liberty. The only band that
“ can repress the effect of this distinction,
“ that ever can unite the representative
“ body with the rest of the nation, is the
“ utter impossibility of obtaining a per-
“ manent power to themselves.

“ Besides

“ Besides the judicial authority, which
 “ secures the rights of the subject, as de-
 “ fined by the existing laws, and the le-
 “ gislative power, which prescribes, in the
 “ form of laws, the rules of deciding on
 “ these rights, there yet remains a class
 “ of rights which do not so properly relate
 “ to the individual as to the whole com-
 “ munity. These may be considered as
 “ the property of the State. Here *is the*
 “ *great temptation to abuse*; because the
 “ misapplication, which to the individual
 “ is a fortune, is lost in the magnitude of
 “ the general object. The actual exercise
 “ of these rights is vested in the King;
 “ the exclusive power of providing the
 “ means, and judging of their application,
 “ remains to Parliament; *and on this sepa-*
 “ *ration depends the whole control which our*
 “ *Constitution has yet established.* Thus
 “ Parliament previously judge, whether
 “ the service proposed will be for the ad-
 “ vantage of the State; but to remove the
 “ temptation of betraying their trust, the
 “ grant, if proper, must be made to the
 “ King—Parliament decide what number
 “ of men are required for the land and sea
 “ service;

“ service ; but the disposal of commissions,
 “ together with the command of those
 “ forces, belongs unalienably to the King.
 “ Parliament, in the mutiny bill, annually
 “ prescribe the mode of governing the
 “ army ; but that government can never
 “ be in their own hands — Parliament
 “ ascertain what sums shall be applied to
 “ this service, and how these sums shall be
 “ raised ; but the collection and adminis-
 “ tration of this money must be in the
 “ hands of the King. The same rule pre-
 “ vails in every other public service, which
 “ the necessities of state demand. Let the
 “ House of Commons, by cabals among
 “ themselves, name the Ministers who are
 “ to exercise these powers, which the Con-
 “ stitution has entrusted to the King, and
 “ they have from that moment a direct in-
 “ terest in the abuse. Will Parliament be
 “ jealous of the army ? The greater the
 “ army, the more commissions will be in
 “ their disposal ; the greater the force in
 “ their hands. Will Parliament be soli-
 “ citous in prescribing the rules for go-
 “ verning the army, to prevent its becom-
 “ ing an instrument of tyranny ? The

" tyranny will be their own. Will Par-
 " liament be severe economists in the ma-
 " nagement of the public purse? Ridicu-
 " lous hope! The larger the sums raised
 " on the people, the greater the profusion
 " in every public service; the more the
 " leaders in Parliament, and their depen-
 " dants will fatten on the public spoils.
 " *The unconstitutional mixture of the legisla-*
 " *tive and executive powers of late years*
 " *has been the principle cause of the wasteful*
 " *expenditure of public money, which has al-*
 " *most made bankrupt the country.* This
 " cause has already prevented any very
 " strict account being required of those to
 " whom the trust has been committed;
 " but the modern doctrines preclude a
 " possibility of any future investigation.
 " Who are to attempt this duty? The
 " Parliament, who have named the Mi-
 " nisters—who are already become parties
 " —or, to speak more correctly, *the Lead-*
 " *ers of this Parliament, who are the Minis-*
 " *ters themselves!* The moment in which
 " the nomination of Ministers in the House
 " of Commons is understood to be the
 " Constitution, we may expect to see rival
 " factions

“ factions dividing or uniting, not upon
 “ any sense of public duty, or principle of
 “ public conduct, but uniting to seize, or
 “ quarrelling on the division, of the public
 “ spoils. No conformity of sentiment;
 “ no concurrence in the prosecution of a
 “ public interest, will be required. The
 “ sole consideration will be, how many
 “ votes each leader can command to form
 “ a majority, and how to accommodate
 “ the distribution of power and emolu-
 “ ment, to the ambition or avarice of in-
 “ dividuals. The votes of the House will
 “ no longer depend on the merits of the
 “ question, but on the previous treaty
 “ which has apportioned the plunder of an
 “ oppressed country.”

This tract was written against the at-
 tempt of united parties in the House of
 Commons to name the Ministers of the
 Crown. This was the case described by
 Mr. Burke, in which “ a man, who,
 “ among various objects of his equal re-
 “ gard, is secure of some, and full of
 “ anxiety for the fate of others, is apt to
 “ go to much greater lengths in his pre-

“ference of the objects of his * immediate
 “solicitude.” Yet Mr. Burke cannot point
 out any passage in this, or in any writings
 of the author, unbecoming a man, who be-
 lieves “that the British Constitution ought
 “to consist of the three members of three
 “very different natures,” “and thinks it
 “his duty to preserve each of those mem-
 “bers in its proper place, with its proper
 “proportion of power.”

Very few years had elapsed before the
 author had occasion to maintain, that the
 “situation † of parties was precisely re-
 “versed, but the interest of the people
 “continue the same; and we are taught
 “this useful lesson, that, amidst the con-
 “tentions of ambitious individuals, a *strict*
 “*attachment to the forms and spirit of the*
 “*Constitution*, in the great body of the
 “people, can alone give permanent secu-
 “rity to the rights of all.” The avowed
 principles of the author necessarily led him

* Appeal, p. 32.

† Thoughts on the present Proceedings of the House
 of Commons, p. 1, published in 1786.

to reprobate the frantic partition of Royal authority, attempted in the intended Regency; because he thought the same powers proportioned to the *same end* at all times equally necessary — a *trust* in the individual created for the *sole benefit* of the people. Condemning alike the object and the means, he reprobated the substitution of the great seal for an hereditary Monarch in legislation; as if it was intended to hold out Monarchy to contempt and ridicule, by proving the *mind of the man* was not involved in the idea of a King. That the silversmith makes the King, or that the people are his property, our author equally disclaims; but maintained, that as “the powers of Government are *trusts* given for the *benefit of the community*, not of the *individual*, the exercise of these powers cannot be suspended by the disability of the *trustee* to await his *future disposal*.” That as the principle upon which the *active executive* powers of Government are rendered hereditary in one person, the King, is, that *these powers* may be forever placed beyond the grasp of ambitious citizens,” it followed, “that the

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“Heir

“ Heir Apparent, having the *same interest*
 “ in the *preservation* of these prerogatives
 “ as the reigning King,” possessed a claim
 which the two Houses of Parliament could
 not impeach ; though the *right and power*
of the people to new model the whole Govern-
ment * was expressly admitted. He con-
 cluded, that as “ it is necessary for our
 “ *own security* to preserve the *hereditary*
 “ *title* to the Monarchy as a fundamental
 “ law of the Constitution, † the same
 “ principle excludes every other indivi-
 “ dual, and all bodies of men, from parti-
 “ cipating with the Heir Apparent of full
 “ age, the exercise of regal power, during
 “ the incapacity of the King. The single
 “ distinction between this case and an ac-
 “ tual demise of the Crown is, that the
 “ right of the King to resume the govern-
 “ ment must be *uniformly acknowledged* by
 “ a *continual exercise* of the regal powers in
 “ his name ; and this *uniform acknowledg-*
 “ *ment* is all which the God of Nature per-

* Thoughts on the present Proceedings of the House
 of Commons, p. 8, published in 1786.

† Ibid, p. 3.

" mits him *personally* to possess until a ca-
 " pacity to resume the actual exercise of
 " power shall return. The question, there-
 " fore, is not, whether the King shall *per-*
 " *sonally* exercise the Royal power himself,
 " for this the God of Nature *has probi-*
 " *bited*; but whether *the exercise* of the
 " executive shall be united with the legis-
 " lative power in the two Houses, or de-
 " volve on the Prince, the *hereditary suc-*
 " *cession* being established, to exclude a
 " *possibility of this union*. Whether these
 " powers, once united, shall again be se-
 " parated, must depend on the pleasure of
 " the two Houses; and that the liberties
 " of Great Britain shall depend on their
 " pleasure, I affirm not to be the law of
 " the Constitution; on the contrary, our
 " liberties depend on the balance of the
 " three Estates, upheld in *their respective*
 " *rights* by the people."

What was done, is in the recollection of
 every body. A vile scramble for power in
 the House of Commons ensued. A Re-
 gency bill, parcelling out the Royal autho-
 rity, suspending in some parts its exercise,

was

was framed, as if the trusts of Government had been the *private property* of the King. The great seal was introduced to act the part of King. The votes of individuals seemed to hang on the daily reports of physicians; and those sinks of human misery, public and private madhouses, were visited to calculate the probability of the King's recovery. These are scenes which disgrace the government of a country, and to which Mr. Burke's maxim may justly be applied: "With such things before our eyes, our feelings contradict our theories—and when this is the case, *our feelings* are true, and our theories are false."

When the French Legislators enacted precisely our author's idea of a Regency, the substitution of the next heir to act with the *same powers* in the name of the King, during his personal incapacity; when they adopted his favourite principle, so essential in his judgment to a free Government, by a *total separation* of the *legislative* and *executive* powers in their new Constitution, not to applaud their labours, would be to condemn himself. But does it follow, in

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any fair or just reasoning, that because he thinks the rights of natural justice ought to be the foundation of all Government—or thinks, with Mr. Burke, “that general principles cannot be debauched or corrupted by interest or caprice;” and thence deduces, that general principles are the *safest and purest* source of legislation: if he maintains, with Mr. Burke and his friends, his own ideas on the Regency, though adopted by France; or against Mr. Burke’s favourite plan of an *aristocracy, governing both Prince and People*, that a separation of legislative and executive powers was a wise measure of the French, and perfectly conformable to the theory of the British Constitution—does it follow, I say, in any fair or just reasoning, that he must indiscriminately approve the whole Legislation of France, much less *under circumstances greatly dissimilar*, seek to establish the whole in this country? May he not wish to transfer the spirit in which the subject has been conceived, and by recalling the acknowledged principles of the British Constitution into action, to renovate its vigor?

There is no part of the new Government of France so eagerly approved, by *all parties*, as their judicial Constitution; yet none which on paper appears to verge so much towards visionary excess. It were an irresistible argument in this country to affirm, that our laws have long secured personal independence, exempting Britons from the *individual particular* oppressions under which other nations have groaned. None, therefore, will, in this kingdom, “incorporate themselves for the utter overthrow of the body of its laws, civil and ecclesiastical, and, with them, of the whole system of its manners, in favour of the new Constitution, and modern usages of the French nation.” Yet it is impossible to trace even these British blessings to their *source*—the administration of justice by the PEOPLE THEMSELVES, without discovering the source of abusive establishments, of enormous debt and taxes, in a total exclusion of the PEOPLE from all share in Legislation.

Here France triumphs! Their Legislature is, *in fact*, what the British is merely
in

in *theory*, “ a Government by popular representation.” Passing by the apportionment of population, taxation, and territory, (which may possibly be rather a theoretic refinement than a practical advantage), the people nominate electors in the proportion of one to an hundred active citizens. These nominations are made in districts of such moderate extent, that the riots, drunkenness, and other evils of our popular elections, are for ever excluded. The active citizens are so *numerous*, and the trust of the electors so *fugitive*, that neither the means nor temptation to corrupt can exist. The electors are no sooner *known*, than they proceed to *nominate* representatives to the National Assembly, neither time nor opportunity for intrigue being admitted, no other foundation of choice existing than *public opinion*. — The renovation of this Assembly, so chosen, every two years, and the total exclusion of its Members from all participation of executive Government, promise an incorrupt organ by which the public mind may speak in Legislation. “ To follow, not to force, the public inclination; to give a direction, a form,

“ form, a technical dress, and a specific
 “ function to the general sense of the com-
 “ munity, is the true end of Legislation*.”

Is it possible for Mr. Burke, with this sentiment engraven in his heart, to represent the French Constitution as one “ system of
 “ anarchy,” one “ digest of confusion !”

To speak with decency, and at the same time with truth, of that assembly, which in England we call a popular representation, is extremely difficult. “ Against +
 “ the *being* of Parliament, I am satisfied,” says Mr. Burke, “ no designs have ever
 “ been entertained since the Revolution.
 “ Every one must perceive, that it is
 “ strongly the interest of the Court to have
 “ some *second cause* interposed between the
 “ Ministers and the people. The gentle-
 “ men of the House of Commons have an
 “ interest equally strong in sustaining the
 “ part of that intermediate cause. How-
 “ ever they may hire out the *usufruct* of

* Mr. Burke's Letter to Bristol, p. 52.

+ Thoughts on the Cause of the present Discontents, p. 11.

“ their

“ their voices, they never will part with
 “ the *fee and inheritance*.” According to
 Mr. Burke, the House of Commons is that
*Cour Plénier*e, by which the declining despo-
 tism of France attempted to conceal its fea-
 tures from the public view. Another ele-
 gant and accomplished writer denominates
 the House of Commons “ a cumbrous and
 “ expensive chamber * for registering Mi-
 “ nisterial edicts.” These descriptions
 convey imperfect ideas. The constitution
 of that assembly is itself the perennial
 source of wasteful prodigality, which con-
 sumes the vitals of the State, while the de-
 fects of that assembly are perpetually ag-
 gravated, and acquire daily strength from
 the increasing corruption which that pro-
 digality engenders. Perhaps there never
 were more idle debates, than whether the
 redeeming million of Mr. Pitt has, or has
 not, an existence. A million surplus of
 annual revenue is in itself a serious object—
 but if this supposed million were *five*, the
 habitual hunger of our system would
 quickly demand additional supplies. Since

* Mackintosh's *Vindiciæ Gallicæ*, p. 338.

the peace, extraordinary armaments have required new taxes (beyond the surviving burden of wars) to the amount of an annual million of *pretended temporary duration*; but the prospect of relief daily dissolves amidst new follies. Thirty-five years, one half of the ordinary life of man, have added to our public debt an accumulation of nearly two hundred millions. That the *same causes* will not continue to operate the *same effects*, were an hope more visionary than the waking dream of projector ever created.

That the House of Commons is a seminary of genius, serves only to gild our ruin. Knowledge, talents, eloquence, all that can raise and adorn the individual, may enhance his estimated price, but can fulfil no public duty in an assembly where party attachments are the sole acknowledged virtue. In this assembly of pretended control all inquiries are resisted. A total dereliction of public trust is disguised to the more ingenuous under the semblance of supporting a Minister, while the truly zealous partizan applauds the waste, which, by feeding

the fordid mercenaries, swells the phalanx of his friends. Even the people, disgusted with the conflicts of party, with coalitions and anti-coalitions, are led by degrees to regard the whole as a scene of contention for power, in which they can have no interest. Whether Cæsar or Pompey prevails, their burdens continue to increase; until tax-gatherers swarm like locusts, and devour all the labours of man.

These evils proceed from two radical defects in the constitution of the House of Commons; first, from the *unnatural mixture of executive government in an assembly formed to control*; for as Mr. Burke justly observes, “to exercise authority, and to control, is contradictory and impossible;” secondly, from what is sometimes called *unequal representation, a contradiction in terms*; for this ever must be the domineering interest of a few, ever must generate the oppression and plunder of the many.

I know the objection that is made to an exclusion of Ministers from the House of Commons—that it would devolve the executive

cutive Government on men of secondary talents. To those who cannot conquer the prejudice, which the splendid eloquence displayed in these contentions for power is too apt to beget, it were vain to observe, that the really useful duties of executive government are well discharged by men formed by the routine of office, and who, without any great effort of imagination, may be considered as parts of the machine. If minds splendidly endowed do effectively engage in affairs, their paths are ever marked with ruin. To mix in the intrigue of Cabinets, to settle the imaginary balance of power, to impose a form of government on one reluctant people, to adjust the limits of dominion to another—these ruinous pursuits always engross such minds, who seem not to be conscious of their powers, unless they wield the armies and navies of the State. Whether their projects be successful or defeated, decides only the measure of the mischief. Their projects are always expensive, and the people are oppressed. The proper scene for great talents is legislation—to develop the principles, and practically to apply the maxims of that glorious

rious science—the science in civil order of giving protection to mankind. But to discharge this important duty, worthy to engross the greatest talents, and to fill the most extended life, a man must bring with him into the service of his country a heart devoted to the *public interest*. If, on the contrary, he be embarrassed with pre-conceived plans of personal ambition, *in the vulgar acceptance of the term*, the greatest talents will be employed, not in teaching the ways of truth, but to perplex, to confound, and to spread a delusive cloud before the eyes of the nation. The proper ambition of great luminaries is to instruct the age in which they live, and to erect for posterity the edifice of public happiness on the solid basis of eternal truth.

The second radical defect of our House of Commons is the mode, or rather modes, of election; for time, accident, and the Gothic origin of our Government, have given such various and fantastic rights of election, as by the excess of absurdity elude all reasoning. The result, however, is, that 41,000 electors, for the most part of
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that

that condition of life which exposes them to the seductions of corruption, return 369 Members; a large majority of that assembly, miscalled an House of Commons. Such electors are managed with the utmost facility by those who possess the receipt and expenditure of the public money; while the remains of independence among the elected must be ever extinguished by the immense patronage of the Ministers of the Crown. The effect has been such as a reasoning mind would foretell—extreme profusion, a continual anticipation of the resources of the country, an accumulation almost without remission of public debt, now arrived to a magnitude which depresses the industry of the country, and crushes out the lives of our poorer fellow citizens in penury and want. While the cause continues, these, and many other evils of perverted legislation, must continue to operate with accelerated force, until public convulsions may probably ensue, equally destructive of the order of the state, and dangerous to private property. What is the source of these evils, no man can doubt. An House of Commons, elected by a few, and actu-

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bad

ated by the private interest of its Members, cannot express the public will, or consult the common interests of a whole people.

Mr. Burke has repeatedly, and with deliberation, ascribed all our evils to the same cause. "The * gentlemen of the House of Commons have an interest equally strong in sustaining the part of that intermediate cause. However they may hire out the usufruct of their voices, they never will part with the fee and inheritance." "An influence†," he tells us, "which operated without noise, and without violence, an influence which converted the very antagonist into the instrument of power; which contained in itself a perpetual principle of growth and renovation; and which the distresses and the prosperity of the country equally tended to augment, was an admirable substitute for a prerogative, that, being only the offspring of antiquated prejudices,

* Thoughts on the Cause of the present Discontents, p. 12.

† Ibid. p. 13.

“ had moulded in its original stamina irre-
 “ fiftible principles of decay and dissolu-
 “ tion.” The effects Mr. Burke, at a pe-
 riod long subsequent, thus describes :
 “ But * what I confess was uppermost with
 “ me, what I bent the whole force of my
 “ mind to, was the reduction of that *cor-*
 “ *rupt influence, which is itself the perennial*
 “ *spring of all prodigality, and of all disor-*
 “ *der*; which loads us more than mil-
 “ lions of debt; which takes away all
 “ vigour from our arms, wisdom from our
 “ councils, and every shadow of authority
 “ and credit from the most venerable parts
 “ of our constitution.” Mr. Burke de-
 clares, “ † It is not in Parliament alone
 “ that a remedy for parliamentary disor-
 “ ders can be completed; *hardly, indeed,*
 “ *can it begin there.*” Yet when gentle-
 men met at a tavern with perfect good hu-
 mour, express, in the convivial language
 of toasts, sentiments far short of Mr. Burke,
 he brands them as incorporated for the over-
 throw of the laws and government of their
 country.

* Speech on Reform, p. 1. † Thoughts, p. 100.

In his apology for *himself*, when charged with inconsistency, when this inconsistency was proved upon him by *extracts*, faithfully taken from *his own publications*, *deliberately printed many months* after they were composed, and at different periods during twenty years, Mr. Burke intreats from the gentle reader the most liberal indulgence—an indulgence *so liberal* as almost to admit the charge—"A man who, among various objects of his equal regard, is secure of some, and full of anxiety for the fate of others, is apt to go greater lengths in his preference of the objects of his immediate solicitude than Mr. Burke has ever done. A man so circumstanced often seems to undervalue, to vilify, and almost reprobate and disown those that are* out of danger." He then illustrates this singular apology by a story as applicable as the history of the Little Red Riding-hood, the frantic passion of King Priam over the dead body of Hector, driving from him his surviving sons, who attempted to stem the first torrent of his grief. "This is the

* Appeal, p. 32. † Theophrastus, p. 100.

“voice of nature and of truth.” Agreed. But will you permit a plain man to ask a few plain questions :—Was Mr. Burke under the like impression of passion, *suspending the operation of reason*, when he composed all his political works ? Did no leisure intervene ? No opportunity occur of bringing down the tone “of an ardent and “eloquent mind” to the language of truth ? Did he never cease to “* prefer “a dead carcase to his living children ?” Are political pamphlets, the works of the closet, the fruits of literary leisure, to be tried by the same criticism with the more animated exertions of eloquence in the Senate ? How happens it, that these sentiments are *uniform*, until Mr. Burke becomes at once the advocate of a despotism, which he himself had described “the “common enemies to the freedom of “mankind ?”

Surely it becomes Mr. Burke, urging such an apology for himself, to judge of others as he wished himself to be judged.

* Appeal, p. 32.

He would not have us believe, that the pomps and vanities of holy church alone engross his zeal, forgetful of its precepts. If a set of gentlemen thought that Mr. Paine, by his masterly history of the French Revolution, had effectually confuted Mr. Burke's calumnies on the National Assembly ; if they thought the same author had successfully reprobated doctrines inconsistent with the existence of freedom ; if they recommended the perusal of his book as a strong antidote to the strong poison of Mr. Burke ; does it follow that the republican system, natural to an American, was recommended as the model of British freedom ? But those whom Mr. Burke traduces, the gentlemen who convened the meeting on the 14th of July, had no connection with the society who published the recommendation of this treatise. That their sentiments do not concur with the passages selected by Mr. Burke, I positively know. It happened to me to be asked the question, whether an eminent printer might safely publish Mr. Paine's pamphlet ? I thought, if *safely* meant *without dread of a prosecution*, he might ; for, after Mr. Burke's

libel

libel on the Government and whole People of France, no public officer would criminate an answer without becoming a party in the dispute. At the same time I marked many passages (for the most part those selected by Mr. Burke) as unfit for publication in this kingdom. The author refused to correct; the printer refused to publish; and the publication passed into other hands. This anecdote was known to those gentlemen who requested me to take the chair, urging as a reason, (the single reason that could be given for such selection), that my principles of Government were in the hands of the public, and could not be misunderstood.

With equal infelicity of selection does Mr. Burke endeavour to vindicate himself, as he attempts to criminate others. In Dr. Sacheverel's trial the Whigs unquestionably meant to vindicate their own principles of resistance to unjust government: but, in a *criminal accusation*, this was done with great disadvantage. The Doctor was defended by able Counsel, professed Tories, who availed themselves of the strong ground

ground which his situation as a *criminal* afforded. The Managers for the Commons were compelled to admit, that while the laws condemned *generally* resistance, they were totally silent as to *the excepted cases*; and it was impossible to urge as a *crime* on the individual, *that he was not wiser than the law*. The Homilies, moreover, which a clergyman might regard as the models of his sermons, held a yet stronger language. The Managers, therefore, were driven to state, in the most explicit terms, that while the accused employed the *strongest language of submission*, he was perfectly innocent; but that the manifest object of the sermon was to discredit the Revolution, an *impliedly excepted case* of resistance, proceeding upon such *plain and palpable necessity*, that no man could mistake; and thereby to discredit the settlement built on that *necessary resistance*. The topics which such a case required are evident; yet will any man infer from the language *necessary to such a cause*, that the Whigs assented to *the degree of civil obedience* taught by the Homilies, finally settled under the eye of a Sovereign, who repeatedly imprisoned

soned Members of Parliament for presuming to debate her prerogatives? and avowed the motives of that imprisonment in her speeches from the Throne? Let us substitute Burke for Sacheverel, adapt the accusation to the admitted evils of our days, and try how he will escape. It might be said, “Mr. Burke’s intention to discredit the principles of a free Government are more evident than the designs of Sacheverel himself; that he has not only denied the right of the people to choose their Governors, as exercised at the Revolution, with a full knowledge that King William was *chosen* for life, and the ancestors of his present Majesty *elected* in preference to those prior in descent; but that he has done this *with a view to discourage all interposition of the people* in the affairs of Government, being himself perfectly satisfied, that the *distempers of Parliament were the distempers of his own time*; and the remedy for parliamentary disorders can never be compleated in Parliament—nay, *scarcely begin there.*” Read the deliberate writings of the accused, and pronounce the verdict.

Mr.

with "Q2" of the accused, and

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Bibley est connoissance

“ with theory, and calling into council,
 “ upon all this infinite assemblage of
 “ things, all the speculations which have
 “ fatigued the understandings of profound
 “ reasoners in all times ! Let us then con-
 “ sider, that all these were so many prepa-
 “ ratory steps to qualify a man, and such
 “ a man, tinctured with no national preju-
 “ dice, with no domestic affection, to ad-
 “ mire, and hold out to the admiration of
 “ mankind, the Constitution of England !
 “ and shall we Englishmen revoke to such
 “ a suit ?” No. Let Montesquieu be
 judge, and Burke the *patriot* be the witness
 to state the facts. I then affirm the deci-
 sion is with me in every litigated point.

The reader will be so good as to recall to
 his memory those passages I have tran-
 scribed from the writings of Mr. Burke.
 Let him even qualify and restrain them by
 the most temperate construction ; and then
 collect from Mr. Burke *the actual state* of
 the Government of this country. On the
 laws which constitute the freedom of the
 individual subject, we are agreed ; for
 Montesquieu distinguishes between the
 freedom

freedom of the constitution and the freedom of the subject. "The subject may be free, and not the constitution*." The freedom of the subject, according to this writer, may arise "from morals, customs, or received examples, and civil laws may favour it:" but "on the goodness of criminal laws the liberty of the subject principally depends†." On this head, when the right and duty of Juries, in cases of libels, shall be established, we can have no controversy. The administration of justice is among the sound parts of our Constitution.

In the beautiful‡ review of the English Constitution, to which Mr. Burke alludes, Montesquieu expressly declares, "*All the inhabitants of the several districts ought to have a right of voting at the election of a representative, except such as are in so mean a condition as to be deemed to have no will of their own.*" What more do we require? Or what does Mr. Burke with

* Spirit of Laws, b. 12. ch. 1. † B. 12. ch. 2.

‡ Ibid. b. 11. ch. 6.

peculiar ardor resist? Montesquieu thinks the liberty of the Constitution depends on the fundamental laws, which distribute the legislative and executive powers. "When
 " the legislative and executive powers are
 " united in the same person, or in the
 " same body of Magistrates, there can be
 " no liberty; because apprehensions may
 " arise, that the same Monarch or Senate
 " may enact tyrannical laws to execute
 " them in a tyrannical manner." Again:
 " But if there were no Monarch, and the
 " executive power was committed to a
 " certain number of *persons selected* from
 " the legislative body, there would be an
 " end of liberty; because the same persons
 " *would actually sometimes have, and would*
 " *moreover always be able to have, a share*
 " *in both.*" The legislative power vested
 in a correct representation of the people,
 the executive power in an hereditary Monarch,
 with a *complete separation of the legislative and executive powers*, form the basis
 of the French Constitution; while in England the choice of the Sovereign is limited,
in fact, to the leaders of contending factions in Parliament; and our monumental
 debt

debt attests the folly of uniting in the same persons the responsible character of Ministers, and the effective power of control. "If," says Montesquieu, "the Prince were to have a share in the legislation by the power of resolving, liberty would be lost." Again: "Were the executive power to ordain the raising of public money, otherwise than by giving its consent, liberty would be at an end, because it would become legislative in the most important point of legislation." Does not the whole *effective* power of raising public money reside in the Ministers of the Crown? What edicts of taxation have our Parliaments refused to register? or when did they even name a Committee to inspect the public accounts, that the list was not prepared by the Minister? Have not the present Parliament voted more than 800,000*l.* per annum additional taxes, almost without the compliment of a debate? Yet when the Spanish Convention was concluded, when the subject had passed into history, did they not refuse to investigate how far the expenditure of four millions was necessary? Montesquieu fortells the

ruin of our freedom. "As all human things
 " must have an end; the state we are
 " speaking of will lose its liberty, it will
 " perish. Have not Rome, Sparta, and
 " Carthage, perished? *It will perish when*
 " *the legislative power shall be more corrupted*
 " *than the executive.*" How near that ca-
 lamitous period approaches, let the writings
 of Mr. Burke attest! With these warn-
 ings, shall the disciples of Montesquieu neg-
 lect to reclaim their rights? That great
 man beheld, even in his time, the rapid ad-
 vance of this fatal corruption, when he
 added, "It is not my business to inquire
 " whether the English *actually enjoy this*
 " liberty or not: it is sufficient for my
 " purpose that *it is established by their laws,*
 " and I inquire no farther." He then saw
 our practice widely diverging from the theory
 of our Constitution. We have now "dis-
 " covered, that * the forms of a free, and
 " the ends of an arbitrary Government, were
 " things not altogether incompatible."

In the much-agitated question on the
 revolt of the French soldiery, the autho-
 rity of Montesquieu is on the side of free-

* Cause of present Discontents, p. 12.

dom. "To prevent * the executive power
 " from being able to oppress; it is requisite
 " that the armies, with which it is en-
 " trusted, should consist of the people, and
 " *have the same spirit as the people:*" and
 he recommends, as the means of preserv-
 ing *the same spirit* in the armies, that "the
 " soldiers should live in common with the
 " rest of the people; and no separate
 " camp, barracks, or fortrefs, should be
 " suffered." Without this participation of
the same spirit our Revolution of 1688 had
 been defeated; and the despotism of France
 had continued to insult and oppress the
 French nation—to embroil by its intrigues
 all the kingdoms of Europe.

Those who do not know Mr. Burke
 might suspect that his beautiful eulogy on
 the Polish Revolution was introduced for
 the gratification of one remark. "† The
 " genius of this faction is easily discerned,
 " by observing with what a different eye
 " they have viewed the late foreign Revo-
 " lutions. Two have passed before them
 " —that of France and that of Poland."
 Mr. Burke knew that this faction had re-

* Spirit of Laws, b. II. ch. 6. † Appeal, p. 102.

cognized in the change from an *elective* to an *hereditary* monarchy the foundations laid of public order; but could it possibly escape the sagacity of Mr. Burke, that Poland was a country just emerging, by this Revolution, from the barbarism of feudal anarchy? a country in which the first rights of humanity had not been even acknowledged! Where the cultivators of the soil passed as part of the estate! Where a few years only had elapsed, since the murder of a peasant by his Lord had been condemned by the laws! And does Mr. Burke seriously propose such a people an example to the enlightened citizens of London and of Paris? As well might we seek the institutes of government in the wilds of America, or learn from its naked savages the philosophy of laws.

Situated as Poland is in the midst of Europe, this description does not exclude knowledge, and learning, and cultivated talents, from many of the distinguished Members of its Diet. Pre-eminent among these appears that exalted character the reigning King, whom Mr. Burke, with
 I equal

equal truth and felicity, describes “ from
 “ an heroic love of his country, exerting
 “ himself with all the toil, the dexterity,
 “ the management, the intrigue, in favour
 “ of a family of strangers, with which
 “ ambitious men labour for the aggran-
 “ disement of their own.” “ Happy
 “ Prince, worthy to begin with splendor,
 “ or to close with glory a race of Patriots
 “ and of Kings; and to leave

“ A name which every wind to heaven would bear,
 “ Which men to tell, and angels joy to hear.”

But is Mr. Burke really ignorant, that
 this patriot King maintains a constant cor-
 respondence with Paris, represents himself
 as a fellow labourer in the same cause with
 the French patriots, and laments that his
 own country is not ripe to receive insti-
 tutions which they have established?

I am not one of those “ who justify the
 “ frequent interruptions which at length
 “ wholly disabled Mr. Burke from pro-
 “ ceeding;” but to tell us what he would
 have proved, and to lament the interrup-
 tion,

tion, is perfectly puerile, the language of a peevish mind sinking under the weakness of his cause. Mr. Burke has been in the constant habit of printing his speeches. Let him print this intended speech. The friends of truth will rejoice to learn their errors even from him, and will forget the calumnies with which they have been loaded. Let him teach us, what can be the origin of human rights, if they be not derived from nature. Let him instruct us, how Government can be better directed to promote the happiness of mankind, than by an equal protection of these rights in every member of the community; or how to discriminate between the most lawless despotism, and the most legitimate legislation, otherwise than by the utility of its institutions adapted to this end. We are conscious of no crime when we rejoice in the sacrifice of Gothic prejudices, at the shrine of reason, by a great and enlightened nation; and we wait with anxious expectation the result of this grand experiment of scientific legislation. We cannot easily believe, that all the theories, which philosophy has established, are false, or the convictions

tions of our own understandings delusive. We suspect that those who rail with passion, cannot demonstrate by argument; and we discover, in the interested clamours of the known enemies of mankind, an involuntary homage to the cause of freedom.

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of

of our Government prescribe, and which none can oppose but those who have been accustomed to seek, under the specious pretext of public duty, the sordid gratification of private avarice or ambition. These opponents are numerous and mighty—a firm, determined band, who can alone be subdued by an equally firm and equally determined union of all the friends of a free government, deriving its energy from the public will, and directed to the common happiness of a whole people.

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